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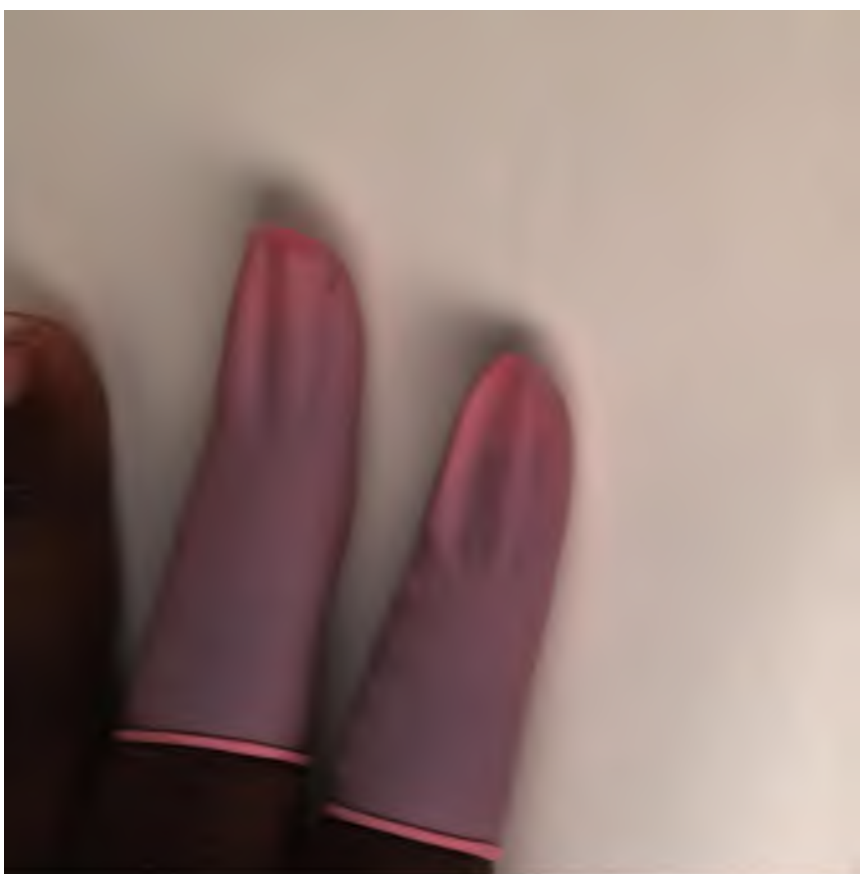


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THE
L I F E
OF
MARY, QUEEN OF SCOTS,
DRAWN FROM THE STATE PAPERS.
WITH
SUBSIDIARY MEMOIRS.

ILLUSTRATED WITH
PLATES OF MEDALS, PORTRAITS, AND PROSPECTS,

BY GEORGE CHALMERS, F. R. S. S. A.

THE SECOND EDITION, CORRECTED AND ENLARGED.
IN THREE VOLUMES.



JOHN MURRAY, ALBEMARLE STREET.

1822

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*"An unparalleled act of blood upon the Life of a crowned
neighbour Queen and Ally."*

LORD CLARENDON.

Printed by W. Nicol, Successor to W. Bulmer & Co.
Cleveland-row, St. James's.

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1

2

THE
L I F E
OF
Mary, Queen of Scots.

MEMOIR IV.

Memoir of James, Earl Bothwell.

THE life of a noble, who acted so memorable a part, in the sad tragedy of Mary's reign, merits here a more particular investigation, than has hitherto been derived, from calumnious anecdote, and doubtful history.

In both those sources of dubious information, he has been confounded with his father, Earl Patrick, who was one of the most profligate men of a most corrupt age. Earl Patrick was, probably, born, in 1512; as his father, and mother, were married, as we may infer, from the Great Seal Record, soon after August 1511: And, his father fell on Flodden Field, upon the 13th of August 1513.^k When scarcely five years

^k On the 23d of May 1517, the Privy Council, for certain considerations moving them, ordered the Earl of Bothwell

old, he thus appears to have been taken out of his mother's custody; and carried to France, in September 1517. He was, probably, redelivered to his mother, by the Regent's order, who governed, in the absence of Albany. In such circumstances, we may easily suppose, that his education could not have been much, or very regular: Before he was three and twenty, he was a prisoner, in Edinburgh-castle, for whatever offences: And on the 4th of April 1535, he gave his bond; obliging himself to remove from Scotland, for twenty years.¹ Yet,

to be put into the Lord Governor's keeping; and the Countess his mother was directed to deliver him to the order of Albany. [*Minutes of Council.*] On the 21st of Nov. 1517, there is a petition of Agnes, Countess of Bothwell, to the Regents in Council, stating that, she was, by dread, compelled, to deliver her son, the Earl of Bothwell, to the Governor, who gave him in keeping to my lord *le Bastie*; and after his death [19th Sept. 1517] his widow, at her own hand, without the consent of the said Earl's mother, or any of his friends, has lately carried him to parts beyond sea: Wherefore, she prays remeid; as she is heavily injured, by the taking away of her son, who is now in his tender, and less age; and desires, that the Governor may be written to, for to send her son home, to be kept by her till he be xvii years complete, according to law, equity, and justice; considering that she has no more but him to do her, and her friends, comfort, and consolation. [*Minute of Council.*] This was Earl Patrick, who was then an infant.

¹ Sir Lewis Stewart's *MS. Collections*.

he appears to have soon returned : For, he was required to enter into a second bond, at Inverness, on the 1st of August 1539, to banish himself, from Scotland, England, and France, during the king's pleasure, and not to acquire, by any means, his restoration.^m During the subsequent warfare with England, he appears to have joined that hostile country against his own :ⁿ In September 1549, he obtained, from the English Government, an annual pension of 3000 crowns, and an assurance of idemnity, for his estates, which lay on the disputatious borders.^o He was induced, however, by the intrigues of the dowager queen, to return to Scotland, in 1553 :^p And, she gave him a remission, for all

^m *Id.* He was obliged to give, at the same time, a power to James Hepburn, the Dean of Dunkeld ; obliging himself to resign into the king's hands the lordship of Liddisdale.

ⁿ *Privy Council Register* of the 28th Feb. 1547-8.

^o *Rym. Fæd.* xv. 190.

^p There remains in the Register-house, at Edinburgh, an original letter of Earl Patrick to the Queen Regent, which is curious in itself, and marks the epoch of his return :—

“ It may pleiss your gude grace yat efter gret storme off wedder and hevy laboris be ye see I arrivit heir in lawdiane quhair I remane as yit willing w^t trew hart to offer & to do yo^r grace my detfull dewite of service. And because I am by violent tempest and storme on ye see sumpart crasit and alterit in my persoun. And nocht sa habill at yis present to

his treasons, on the 26th of March 1554; as we know from the Privy Seal Record. He soon after joined the queen, at Stirling, with other nobles, who resolved, that she should have the regency, in the place of the Duke of Chatterhault:¹ Earl Patrick appeared, in the Parliament, which assembled, at Edinburgh, on the 10th of April 1554: And, two days after, he subscribed the Parliamentary Declaration, which was given to the same duke, as an idemnity, for his feeble, and corrupt administration.* The

do sic service as my will commādis & steris me to // Sua to excuss my unhabilness unto your grace / And to haue yo^r grace direction quhat I sall do presentlie & quhare I sall address me to cum to yo^r grace presens I haue send yis berar my couising of Trakwair to haue yo^r grace mynd & comand towart me heirintill: And sen I will no^t impesche your grace w^t reding off lang lett this berar will schaw your grace at mair lenth likas I haue giffin to him in charge / sua it will pleiss yo^r grace gyff him credens. And thus prays ye Almightie god to haue your grace in keping. Off Crechtoun ye xii day of November 1553."

your grace humill and obedient servitour at power

To the Quenis Grace.

ERLE BOTHVILL.

¹ Lodge's *Illustrations*, i. 295: He supposes, mistakingly, that proceeding to have taken place, in 1558.

* *Acta Parl.*, ii. 597. The regent queen granted to Earl Patrick, on the 5th of August 1554, the ward and marriage of Walter Scot, the son, and heir, of the late Sir William

epoch of the queen mother's regency, under the authority of the Estates, is the 12th of April 1554. She now employed Earl Patrick, as her Lieutenant on *the Borders*.^a He died, at Dumfries, about the end of September 1556, aged forty-four.^t Earl Patrick married Agnes Sinclair, the daughter of Henry, Lord Sinclair; by whom he had one son, James, who succeeded him, and a daughter Jane, who married, in January 1561-2, John, Commendator of Coldingham, who was one of the many bastards of James V.; and who died, in 1563: By him, she

Scot of Kirkurd, and grandson, and heir, of the late Sir Walter Scot of Branhholm. [*Privy Seal Reg.* xxvii. fol. 75.]

^a Earl Patrick met the English Commissioners, at Rydingburn, for redressing mutual injuries, on the middle Marches, upon the 12th of May 1556. [*Lodge's Illust.* i. 214.] In August 1556, Earl Patrick resided, at Dumfries, as the queen's lieutenant, on the west borders. There are, in the month of August 1556, various charges, in the Treasurer's accounts, for expresses, sent to Earl Patrick, in Dumfries. On the 31st of August 1556, there was a payment to P. Thomson, the Illay herald; going from Edinburgh to Dumfries, and Annan, with a commission of *Wardenrie*, to Earl Patrick, and a charge to deliver the Castle of Lochmaban to the same Earl. [*Id.*]

^t The place of his death is specified, in the process, for proving the consanguinity of Earl James with Lady Jane Gordon: And the time of his death is ascertained, by the service *post mortem* of his son, on the 2d of November 1556.

had an only son, Francis, who was created Earl Bothwell, by James VI. ; and, by his practices, did not disparage the deeds of his uncle, and grandfather. The widowed Jane married, secondly, in 1566, John, Master of Cathness, who died, in 1577 ; and she married, thirdly, the notorious Archibald Douglas, the Parson of Glasgow, and one of the Lords of Session. Earl Patrick was divorced, from Agnes Sinclair, at some time before his remission, and restoration, in March 1554 ; as she obtained, on the 13th of March 1553-4, a charter of confirmation of three charters granted, by Patrick Earl Bothwell, to Agnes Sinclair, *formerly*, his spouse." She long outlived Earl Patrick ; and held, under those charters, till her death, in 1573, the barony of Moreham, which the Regent Morton, then seized, as belonging to the king, by the forfeiture of her son, and heir, James, Earl Bothwell.*

Earl James thus succeeded his father, in his

* *Privy Seal Reg.* xxvii. fol. 14. James, Earl Bothwell, at the Craigmillar conference, speaks of the divorce of his father, and mother, as not having injured his title, or estate.

* On the 8th of October 1573, the regent granted a lease of the barony of Moreham, for a year, from the death of the same dame Agnes Sinclair, to her daughter, dame Jane Hepburn, the Mistress of Cathness. [*Regist. of Signatures*, B. ii.)

titles, estates, and offices, in September 1556, when he was about five, or six and twenty years of age :^y And, he now enjoyed, from the third Earl, not only large estates, but the hereditary offices of Lord High Admiral of Scotland, Sheriff of Berwick, Haddington, and Edinburgh, as well as Baillie of Lauderdale, with the Castles of Hales, and Crichton, for his fortlets : Earl James became thus, by descent, from his father, grandfather, and great grandfather, the most powerful noble, if we except the Duke of Chattelherault, in Southern Scotland. If we might believe Buchanan, young Bothwell was educated, in the corrupt house of his great uncle, the bishop of Murray, during an unprincipled, and turbulent age, when

^y James could not have been born before the year 1530 ; supposing his father to have married, at the age of 17. Earl James was neither so young, as the late Lord Hailes supposed, nor so old, as the late Lord Elibank contended ; as Earl Patrick was only born, in 1512. See the controversy, between the Lords Hailes, and Elibank. It was reported, in 1543, that Matthew, Earl of Lennox, and the Earl of Bothwell, were rival suitors, to the Queen dowager, who was not pleased with such a report. Sadler's *Letters* 333. Buchanan, with his accustomed falsehood, attributes that rivalry to James, Earl Bothwell, and not his father. If James, Earl Bothwell was born, in 1531, he was 25, in 1556 ; 35, in 1566 ; and 36, in 1567, when he ravished the Scottish Queen.

Buchanan himself acquired his tergiversation, his ingratitude, and his baseness.^a

James, Earl Bothwell, was, early, noticed, in publick life.^a On the 14th of December 1557, the Earl of Bothwell was one of the nobles, who signed the Commission, for effectuating the Queen's marriage with the Dauphin.^b He became the Queen's Lieutenant, on the Borders, and *Keeper* of Hermitage-castle, in the

^a See Buchanan's *Detection*, one of the corruptest of books ; and Lord Hailes's *Remarks*, one of the slightest.

^a In the Treasurer's accounts, there is a payment of 22/6 to Alexander Cuming, in January 1548-9 ; to execute a charge upon the Lord Borthwick, and *the master of Hales* ; Earl Patrick being then alive. The following entry in the Privy Council Register, of date the 28th of February 1548-9, will explain the obscurity of that charge : " In presence of the Council, John Lord Borthwick took upon him the keeping of *the fortalice of Hales* ; and obliged himself to keep the same, surely, from our *auld enemies of England*, and all others ; and should not deliver the same to Patrick, Earl of Bothwell, or any, in his name, under the pain of 10,000*l.*" The dowager-queen had, also, obtained a grant of Earl Patrick's property, then pertaining to the Queen, by his treason. *Privy Seal Reg.* 26th Jan. 1547-8. On the 14th of March 1556-7, he obtained a royal grant of his grandmother's property. *Id.* On the 5th of January 1557-8, he was, by the Regent-Queen, constituted the Queen's Baillie, of the Lordship of Liddisdale, for a year, and during the Queen's pleasure. [*Id.*]

^b *Acta Parl.* of that date.

ubsequent year.* On the 29th of November 1558, as Sheriff of Edinburghshire, the Earl of Bothwell attended the Marshal, and Constable, in opening the Parliament; wherein he sat; as we may learn, from the Parliamentary Record. His first military exploit was a successful inroad into England, as the Lieutenant, in 1558, during the war, which was ended, by the peace of Cambray.^d James, Earl Bothwell, thus set out, in early life, as an enemy of the English government, and as an antagonist of the English faction, in Scotland, after the accession of Elizabeth, in 1558. As Lieutenant of the Regent-Queen, at the epoch of the peace of Cambray, in April 1559, he met the Earl of Northumberland, to settle the mutual differences, of the conterminous nations.^e In August 1559, the Earl of Bothwell with Sir Richard Maitland, and Sir Walter Ker, were appointed Commissioners, for settling the differences on the southern borders with the English Wardens.^f But, neither the treaty of Cambray, nor any other treaty, brought peace to Scotland, while Elizabeth reigned, in England:

* He was paid 23*l.* a month, as keeper of that castle.
Treasurer's Accounts.

^d Holinshed, i. 363.

^e Keith's *App.* 89.

^f Sadler's *St. Pap.* i. 407-8.

She encouraged a faction to resist the government, and to establish pretensions, which were inconsistent with the quiet of the country, and with the sovereignty of Scotland. In resisting that faction, the Regent-Queen, employed the Earl of Bothwell: As Sheriff of the county, Bothwell, in October 1559, arrested John Cockburn of Ormiston, who was conveying 4000 crowns, for the faction, from Elizabeth, as her fuel, for inflaming the contentions of her neighbour-kingdom:^a The insurgent chiefs, severely, felt that timeful blow, which they never forgot, nor forgave. The Earl of Arran, and the Lord James Steuart, immediately, attacked Bothwell's Castle of Crichton, which they easily took; as he had retired, with the money, which was, at that moment, of great importance to all parties.^b The success of Bothwell induced the Regent-Queen, in December 1559, to intrust him with the command, of 800 French, and Scottish troops, who were then sent, from Edinburgh, to Stirling.ⁱ In May 1560, while two armies were contending with the usual rage of civil war, Bothwell was sent, by the Regent-Queen, to solicit aid,

^a Keith's *App.* 43.

^b Keith, 43, and the *State Papers*.

ⁱ Sadler's *St. Pap.* i. 667.

from France.^k But, she lived not to receive either assistance, or consolation, in consequence of his representations ; as she died, on the 10th of June 1560, after a long indisposition, amidst the distractions, arising from persons, and circumstances, which she could neither counter-

^k There still remains, in the Register Office, at Edinburgh, an original letter, from Earl James, to the Queen-Regent, which, as a curious remain of such a man, is here subjoined :—

“ Pleisit your hines be remēbrit I vrait onto your Grace of bifoir consarning my deperting towirt our soverans in Frans quhilk your G. thocht gud // quhairfor I haue sensyn preparit me for y^e samin and hes bein in redines yir four or fyf dais paist lyk as I am yit auatant on your G. depech alennerlie for I haue mead ye griter haist to ye effec I may return agane with ye arme and haue sū charg yairintill be your G. vrytings sic as our said soverans and your hines thinkis me maist abill for // yat I may be at all tymis in ye roum quhair service occurris // sen I haue nocht the cōmodite yairto at yis present nor haste apirans yairof vithout ye samin // desyrand your G. maist humilie yairfor to forthir ye said vrytings for ye causs forsaid // and gyif yair be ony uthir thing it vill pleis your G. to cōmand I sall do my deligens to parfurm ye samyn my maist humill comēdationuns of service being maid onto your hinis cōmittis your G. in ye keiping of Almichti Gode. At Crichtun ye xv day of May 1560.

“ your G. maist humill and obedient servitour

“ To the Quenis Grace.”

“ BOTHWILL.”

act, nor controul.¹ On her decease, the government of Scotland was assumed, though without authority, by the Duke of Chattelherault, who was prompted, and supported, by Elizabeth. Bothwell was well received, by the French Court, and closely watched, by the English Ambassador.^m He set out, from Paris, rather unexpectedly, in November 1560, by the way of Flanders, for Scotland.ⁿ His speedy

¹ In the Treasurer's Accounts of 1560, there are the following charges:—

Paid to John Weir, pewtherer, for a wobe (webb) of leid, to be an sepulture to inclose the Queen's grace in £4 15 0

To the said John, for sowdene of the said weobe

of leid	-	-	-	-	1 12 0
---------	---	---	---	---	--------

For 2 hundred dur nalis to the Queen's grace's se-

pulture	-	-	-	-	0 3 0
---------	---	---	---	---	-------

For xxi elns and an half of black gray, to hing

the Chapel of the Castle of Edinburgh, the

Queen's grace's body lyand therein	-	6 2 4
------------------------------------	---	-------

The Queen-regent, after awhile, was carried to France, where she was buried among her ancestors.

^m Hardwick's *St. Papers*, i. 143: Bothwell, had a present of six hundred crowns; and was made gentleman of the King's bedchamber, with the fee belonging thereto. *Id.*

ⁿ *Ib.* 149: Throckmorton, Elizabeth's representative, at Paris, described Bothwell, in November 1560, "as a vain-glorious, rash, and hazardous *young man*; and therefore, "it were meet," he added, "for his adversaries to have an eye to him, and also to keep him short." *Id.* There has

departure was owing to a cause, which escaped the eagle eyes of Throckmorton, then, and the heedless observation, of the Scottish historians, since : Mary, on that occasion, sent four Commissioners to Edinburgh with two Commissions ; in order to establish a sort of provisional government, in the room of her mother's regency. One of those commissions empowered the Duke, the Earl of Argyle, the Earl of Huntley, the Earl of Bothwell, the Earl of Athol, the Lord James, the Archbishop of St. Andrews, or any three of them, to assemble the Estates, and hold a Parliament.* It may easily be per-

been some debate, about the *age* of James, Earl Bothwell. " When we say a man is *young*, we mean, according to " *Locke*, that his age is yet a small part of that, which " men, usually, attain to." The pranks which he played, a twelvemonth after, with the French princes, in the disorderly houses of Edinburgh, to the scandal of the Puritans, imply that, he was yet *young*. He was about ten years older than Queen Mary, and of the same age, as her bastard brother, the Lord James, who was born, in March 1530-1. If Bothwell, then, was born, in 1531, he was 29, at the epoch of that letter, from Throckmorton, in November 1560.

• The four Commissioners, who were sent over, by Mary, to manage her affairs, in the meantime, were the Laird of Craigmillar, Ogilvie of Findlater, who afterwards acted as the Comptroller of her household, Robert Leslie, and John Lumisden. But, none of those measures took effect ; as

ceived, that such discordant characters, or any three of them, could not act, amicably, together. When the notorious Randolph, Elizabeth's agent, who, for some time, had lurked about the petty court of the Duke, at Hamilton, gave an account to Secretary Cecil, of Bothwell's arrival, at Edinburgh, he said, he could not foresee, how Bothwell, and Arran, would settle their accounts, with an allusion to the interception of Cockburn, with the crowns of Elizabeth.^p

they were not approved, by the Duke, Lord James, and the other popular leaders. They arrived, at Edinburgh, before the first week of February 1560-1, when Secretary Maitland wormed himself into their confidence; learned from them their objects; obtained a copy of their instructions: and sent them, with the *Estate* of Scotland, to Mr. Secretary Cecil. The whole of those documents are in the Paper Office: No. 11 of the *New series of Bundles*. Thus early did Secretary Maitland begin to betray his Queen, and country to Elizabeth.

^p Hardwick's *St. Papers*. The Earl of Arran, the duke's eldest son, had been brought from France, and smuggled, into Scotland, through the impervious borders into Lanarkshire during the preceding year, by Cecil, who supplied him, with money, and, what was of more importance to Arran, with recommendations. A very long letter, from Randolph, and a dispatch, from Secretary Maitland, early in February 1560-1, gave the English Secretary a complete view of Mary's affairs, in Scotland, at that distracted period. [*Paper Office*.] Cecil was thus induced to write the memo-

While the men of Scotland remained, in a state of uncertainty, as to the course, which the widowed Queen would pursue, Bothwell, and Arran, probably, kept out of one another's way. Bothwell, easily, perceived, that he could not serve the Queen, under existing circumstances, and that he could not remain, safely, in Scotland: Thus was he induced to retire to France, where he acted, in the Queen's service, till her return, in August 1561, to her native kingdom, which was then governed, by the usurped authority of *the duke*, and *the prior*.¹

The Queen, on her arrival, appointed her bastard brother, the Lord James, for her Minister, though he had been the chief usurper. His followers were of course the Officers of State. Yet, when she settled her Privy Council,

rial of the 20th of March 1560-1, for Randolph's instruction, which Keith copied into his History, p. 158-9. The historian, mistakingly, supposed, that Randolph was then dispatched into Scotland: But, Sadler's letters evince, that under various names, Randolph had long lurked, in that distracted nation, as Elizabeth's corrupt agent, and resided, chiefly, at Hamilton, near the *duke's court*.

¹ Keith, 388: The name of Bothwell does not, as we might easily suppose, appear among those nobles, to whom the ruling junto sent letters to appear, at Edinburgh, on the 31st of August, to receive the Queen. *Treasurer's Books*, 7-8 August 1561.

on the 6th of September, Bothwell was appointed a member, though he was not then present.* On the 11th of November 1561, measures were adopted, for preserving the quiet of the country : Bothwell was, by the Queen, induced to engage not to injure Lord Seaton, and Lord Seaton promised not to injure Earl Bothwell : James, the Commendator of St. Andrews and Pittenweem, and Cockburn of Ormiston, were obliged to engage to keep the peace towards Earl Bothwell, and he was equally obliged to promise not to injure them :† Yet, was the enmity, of the Commendator to the Earl implacable, though the appearance of reconciliation was sometimes affected.

The new year opened with some softer scenes. On Sunday, the 11th of January 1561-2, the Lord John, another bastard brother of the Queen, the Commendator of Coldingham, married Jane, the sister of Bothwell, at Crichton-

* *Privy Council Reg.* He was present, however, on the 13th of October. *Id.*

† *Id.*—Yet, in March 1562, Bothwell beset Cockburn of Ormiston, his wife and son, while hunting : and having carried the boy towards Crichton-castle, the country people rescued him. This, said Randolph to Cecil, gave great offence to the Queen, and her council : It is but a small mitigation of this outrage, that the period, for which Bothwell was to keep the peace, had expired.

castle, the Queen being present; and much good sport, and many pastimes, there were, said Randolph to Cecil. Yet, such was the turbulence of late times, that the Queen was induced, to use every proper art, to preserve the peace: On the 20th of February 1561-2, she obliged Bothwell, and Arran, to enter into engagements *to keep the peace*, though Arran acted, with a very ill grace.¹ Arran indulged his habitual passions, till turbulence ended in insanity. At the end of March 1562, he accused Bothwell of conspiring with himself, and his relation Gavin Hamilton, the Comendator of Kilwinning, to carry off the Queen to Dumbarton-castle, and to kill her chief ministers. On this frantick charge, Bothwell, and Hamilton, were imprisoned. Examinations before the Queen, and her council, immediately took place, at St. Andrews: And the insanity of Arran soon appeared to all dispassionate persons, from his affirming, and disavowing, from his prevarication, and raving.²

¹ *Id.* Randolph, on that occasion, wrote to Cecil, "that there was much ado to agree Arran, and Bothwell; and that Arran showed a refractory spirit, and obstinately resisted the endeavours of the Queen, and council, to produce peace." *Dispatches in the Paper Office*, 28th Feb. to 31st March 1561-2.

² Randolph stated to Cecil, "that there appeared little of

Yet, did the Queen's minister, who had been created Earl of Mar, and ceased to be Comendator, pursue this affair, with great eagerness, from his enmity to Bothwell, who was continued in prison, by the guilty influence of Mar, though Bothwell demanded a trial. After remaining six weeks a prisoner, in the castle of St. Andrews, Bothwell was removed to the castle of Edinburgh; whence, he escaped, on the 28th of August 1562. Bothwell now retired to the castle of Hermitage, in Liddisdale, where he remained, till the ruin of Huntley gave him intimations, that he was no longer safe, in Scotland: He now took shipping from North Berwick; but the vessel being driven into Holy Island, he was arrested, by Elizabeth's officers.* If it were asked, by what

" such an attempt; that there was not sufficient evidence,
" to criminate Bothwell; and that Arran did not abide, by
" his accusation, but rather denied the whole, to the great
" misliking of all men, who see his manner of dealing."
Dispatches in the Paper Office, from the 9th to the 25th of
April, 1562.

* Randolph wrote to Cecil from Edinburgh, on the 22d of January 1562-3: " As soon as I learned, that the ship, in
" which Bothwell had departed, was arrived at Holy Island,
" I, by the advice of Murray, and Maitland, wrote the
" Queen's officers, at Berwick to have him seized, which
" was done: I have intimated this to the Scottish Queen,

authority a Peer, and Privy Counsellor of Scotland, who was driven, by stress of weather into Holy Island, was detained, in the time of peace, and sent prisoner to London; the answer must be, the spleen of Elizabeth, the enmity of Randolph, and the hatred of Mar. In London, was he detained, by those guilty passions, for more than a twelvemonth. At length, Mary, in January 1563-4, at the urgent solicitation of Bothwell's mother, and his other relations, requested her good sister of England, that he might be permitted to go into foreign parts: This request was now complied with; as his detention could not be justified, by any allowed principle of any law.

Meantime, as soon as it was known, that Bothwell had fled, from Hermitage-castle, a herald was sent, to demand the possession of this strong hold, for the Queen's service. It was delivered to the charge of Robert Elliot, as

" who desired to have him sent to Scotland." Randolph added, " that Murray, Argyle, Maitland, and others, intrigued with him, to have Bothwell detained, in England, " of which he was a determined enemy." [*Dispatches in the Paper Office.*] In the same Office, there is a formal warrant of Queen Elizabeth, dated the 18th of March 1562-3; requiring her officers to bring Bothwell to London.

† Randolph's letter to Cecil, of the 20th of December 1562.

Deputy Keeper of Liddisdale, for the Queen, at a salary of 100 marks, with possession of the domains.² This castle seems to have been the Queen's, whereof Bothwell was only the keeper.

But, so restless a man, could not be quiet, in France; where, he threw out menaces both against Elizabeth, and Mary, and their several ministers: At length, he requested either liberty to return home, or to have means to live abroad.³ Bothwell returned to Scotland, in March 1564-5. He, naturally, visited his mother; he appeared in various places: But, he could find safety nowhere. He was watched, by the English Wardens, on the borders; and he was eagerly pursued, by Murray, whom he

² *Privy Council Reg.* of date the 18th of June 1563. William Douglas of Cavers became security, that Elliot would act, honestly, and redeliver the Castle, when so required.

³ Randolph wrote to Cecil on the 4th of March 1564-5: "They (the Scots ministers of State) think him worthy of "no favour that conspired to kill the Queen, and those in "credit about her." This intimation plainly alluded to the groundless accusation of the frantick Arran. Randolph again wrote to Cecil, on the 15th of March: "The Queen [Mary] "misliketh Bothwell's coming home; and hath summoned "him to undergo the law, or be proclaimed a rebel: He is "charged to have spoken dishonourably of the Queen, and "threatened to kill Murray, and Maitland: David Pringle, "one of Bothwell's servants, will verify it." Keith, 279.

had grievously offended, by opprobrious words, which he was said to have spoken, in France.^b Bothwell still remained, in Hermitage-castle, at the end of March 1565, where he had a great following of Liddisdale men. But, by the Queen's direction, he was obliged to engage, that he would appear before the Justice-court, on the 4th of May, then next. Argyle, the Justiciary, and Murray, the Minister, came

^b Bedford's MS. correspondence with Cecil, in the Paper Office. On the 23d of March 1564-5, Bedford, the Governor of Berwick, asked Cecil, to tell him the Queen's pleasure, touching Bothwell, if he should come within his charge; for except, he were otherwise commanded, he meant to stay him, *being so required to do by the Court of Scotland*. [Id.] Bedford even supposed Bothwell to be comforted, by the Scottish Queen, as he informed Cecil. [Id.] And, yet, on the 30th of the same month of March, Randolph wrote to Cecil, that *Bothwell hath grievously offended the Queen of Scots*, by words spoken against the English Queen, and also against herself; calling *her the Cardinal's hoore*; and *she hath sworn to me upon her honour, that he shall never receive favour at her hands*." [Id.] Cardinal Beaton, we may remember, was assassinated, on the 29th of May 1546, when Mary was, scarcely, four years old. In the scandalous Chronicle of the pious Knox, the Queen, as we may recollect, was said to be *the Cardinal's child*; and Randolph must have misunderstood the scurrility of Bothwell's tongue: We may perceive, however, how gross were the manners of that reformed age, among a coarse people, and unmannered nobles

into Edinburgh, about the 1st of May 1565, at the head of five thousand men, to hold the *Justice-court*, where Bothwell was to be tried, for his misdemeanors. Bothwell, however, declined to meet such foes, and such a force.^c As he now saw, that he had few friends, many enemies, with two governments, to pursue him, Bothwell embarked at North Berwick, for foreign parts, at the end of April 1565.^d As Bedford, and Randolph, had thus obtained their several ends, by the expulsion of Bothwell, their pens, for some months, do not

^c Randolph's correspondence with Cecil, in the Paper Office. According to Randolph's representation, there would have been a larger army, in Edinburgh, on that *law-day*, if the Queen had not objected—to the bringing of so many undisciplined men into her presence,—and Bothwell's forfeiture, would have been greater, if the Queen had not interposed. [*Id.*] Argyle, and Murray, had an interest, in pursuing Bothwell, to a complete forfeiture; as they would have divided his estates, and offices, between them: But, the Queen had no such interest, and felt no such enmity, whatever she may have sworn upon her honour to Randolph: Argyle had married the bastard sister of Murray; and she received from Mary a pension, as her bastard sister, as we learn from the Treasurer's books. It was plainly the object of Murray, to ruin every noble, who obstructed his views, as he had ruined Huntley, and Sutherland.

^d Randolph's correspondence with Cecil, in the Paper Office.

mention the man, whom they hated, and maligned.*

A new scene of trouble was now ready to open. The Queen, according to her duty, had resolved to marry. Her purpose was opposed by the Duke of Chattelherault, her presumptive heir, and by Murray, her bastard brother, who had long had his head, and hand, and heart, upon her sceptre ; and by all, who were connected with them, in interest, or in faction. They carried their opposition, under the encouragement of Elizabeth, the full length of rebellion. And yet, the Queen married her cousin, Darnley, to whom there could be no political objection, on the 29th of July 1565. The Queen now found it necessary, as her mother had equally done, to conciliate many friends, for her support against Elizabeth, and Cecil, Chattelherault, and Murray, while Morton, and Maitland, remained, in her councils,

* Randolph, indeed, wrote to Cecil, on the 4th of July 1565 ; “ It is said, that the *Earl of Bothwell*, and Lord Seton, are sent for, which hath the appearance of truth ; as they are fit men, to serve, in this world : It is wished, if they do arrive, in England, that they may be put in good surety, for a time.” Keith, 295. But, Murray had now left the court ; and was preparing, for rebellion, under Elizabeth’s incitements, against Mary’s marriage.

† Birrel’s *Diary*.

to betray her.^c The popularity, which attended the Queen's marriage, seems to have crushed the rebellion, and to have expelled the rebellious chiefs.^b If we might credit a corrupt agent, we ought to believe, that *jars* soon arose, between the Queen, and Darnley.¹ Bothwell, in

^c On the 5th of August 1565, the Earls of *Bothwell*, and *Sutherland*, were allowed to return home. Keith, 310: On the 5th, a remission was granted to Bothwell, "for his breaking ward out of the Castle of Edinburgh, without licence." [*Privy Seal Reg.*] On the 6th of August, the Earl Murray was denounced a rebel, and driven into England.

^b Randolph wrote to Cecil, on the 8th of October 1565: This day, the Queen hath marched to Dumfries: Huntley, and *Bothwell*, are the new counsellors. [Keith, *App.* 165.] On the 10th of the same month, Bothwell was present in Council, at Castle-hill, on the road to Dumfries: And, he was one of the leaders of the army, under Darnley, the King; the Queen being present. [*Ib.* 115.]

¹ On the 10th of the same October, Randolph wrote to Cecil, that, "*Jars* have already risen, between the Queen and Darnley; she to have her will one way; and he another: He to have his father, for Lieutenant General; and *she* to have *Bothwell*." [*MS. Correspondence in the Paper Office.*] The fact is, that they were both Lieutenant Generals; Lennox, in the West; and Bothwell, in the South, where his estates, and interests, lay. On the 22d of the same month, at Edinburgh, the King, and Queen, issued a charge to the Wardens of the Marches, to prevent the emissaries of the rebels, who had fled into England, from disturbing the borders: And, they commanded

proportion to his natural power, from his possessions, and offices, which he held, from descent, hereditarily, and to his recent services, when so many of the nobles were in a state of revolt, acquired some credit with the Queen, and Darnley. He attended the publick councils, wherein were so many counsellors, to betray them; and he was employed, as a Commissioner, on the Borders, to settle never-ending disputes, among rugged men, being Lieutenant of the Marches, with England. As early as October 1565, Randolph wrote to Cecil, in his usual style, of insidious sarcasm, “ My Lord Bothwell, for *his great virtue*, doth now all, next to the Earl of Athole.” The English agent ought to have excepted, also the Earl of Morton, and Secretary Maitland, who *virtuously*, remained, as he had lately said to Cecil, with the Queen, watching every occasion, to betray her into the rebels’ fangs, and Elizabeth’s prison¹

the Earl of Bothwell, *Lieutenant General of all the Marches*, to see their orders fulfilled. [Keith’s *App.* 116.] Bothwell then lay, with a force, on the West Borders. Meantime, the English Wardens seem to have gained the Liddisdale men. [*Ib.* 165, Correspondence in the Paper Office.]

¹ On the 29th of January 1565-6, Randolph wrote to Cecil: “ The Scottish Queen hath appointed the Earl of Bothwell, and the Laird of Cessford (the Warden of the

The reprobated Bothwell, meantime, sought some solace, from softer scenes : At the prudent age of thirty-five, he married the Lady Jane Gordon, the excellent sister of the Earl of Huntley, and the *fourth* cousin of Bothwell himself, in the chapel of Holyrood-house, on the 22d of February 1565-6 ; but, refusing, as we are told, the Queen's request, to be married, in the Romnn Catholick manner, though the lady was of that persuasion. The King, and Queen, made the banquet, the first day ; and the feasting continued five days, with justing, and tour-

Middle Marches) to meet the Earl of Bedford, and Sir John Forster, to settle the matters in debate, between the two realms : I told the Scottish Queen, that Bothwell was *a person hated by the English Queen* ; and known not to incline to peace ; so that if bad consequences followed, she had herself only to blame : She answered, that she could also make exceptions against Bedford ; and so would not name another person, in the place of Bothwell." [Keith's *App.* 166.] Bothwell, and Ker, could not be more corrupt, and insidious, than Bedford, and Forster ; as their correspondence with Cecil evinces ; and their actions on the Borders demonstrate. On the 8th of February following, Bedford wrote to Cecil that ; " he despairs of Justice on the Borders, while Bothwell is Warden, [Lieutenant] who neither fears God, nor loves justice." On the 6th of April 1565, Bedford had already written to Cecil : " I assure you, Bothwell is as naughty a man, as liveth, and much given to the most detestable vices." [*Correspondence in the Paper Office.*]

naments, at which were made six knights of of Fife.^{*} This marriage, though the nuptial benediction had been given, by the lady's uncle, Gordon, the bishop of Galloway, who had renounced the ancient faith, was neither fruitful, nor fortunate.

We are now arrived at the epoch of one of the most extraordinary deeds, which is not outdone in atrocity, by any event, in the history of man, during the corruptest ages. It was the assassination of Rizzio, the Queen's private Secretary, in her own presence, on the 9th of March 1565-6. As this atrocious deed was perpetrated by a conspiracy of her own ministers, in concert with Elizabeth, the Scottish Queen was completely surprised. The Lord Chancellor, Morton, with an armed force, attacked the Queen's palace, at Edinburgh, she being then within it, and far advanced, in a pregnant state; her husband, with the crown matrimonial, on his head, conducted the assassins, by private passages, into the Queen's closet, who was sitting at supper, with her sister, the Countess of Argyle. Huntley, Bothwell, Sutherland, and others, attempted, resolutely,

^{*} Pitcottie, 217. The marriage contract, which was dated on the 9th of February 1565-6, is recorded in the *Privy Seal Reg.* xxx. fol. 8.

to resist Morton ; but, they were overpowered, and obliged to save themselves by flight. The Secretary of State, the able, but insidious Maitland, entertained below, the Earl of Athole ; forgetting to reveal to the Queen what he knew of that odious deed. This great conspiracy had for its treasonous objects the prorogation of Parliament, which would have attainted the late rebels, and prevented the pardon of Murray, with his traitorous friends, who were then harboured, by Elizabeth, the Queen's virtuous cousin of England : And it completely answered both those ends, though by the commission of such mighty crimes, it appeared, that there were other *naughty men*, in Scotland, besides the *naughty* Bothwell. The Queen, by great efforts of address, and resolution, persuaded her guilty husband, to flee with her, from so terrible a scene, to Dunbar-castle, where she was safe, from Morton's violence, Maitland's perfidy, and Ruthven's venom. Athole and Fleming, Livingston, and others, who were then present in Holyrood-house, unconscious of the approach of such a storm, hardly escaped, from the spears of the conspirators. Huntley, and Bothwell, who assisted the Queen's escape, accompanied her to the same fortlet ; where she was joined, by so many considerable men, with their forces, that she mar-

ched back to Edinburgh, on the 18th of March, in triumphant array. The friends of the conspirators now fled, in their turn, from that turbulent city, which, under the Provost's influence, had aided the conspirators.¹ Morton, Ruthven, and other traitors, found their safest shelter under Elizabeth's wings. Bothwell, on that emergency, had acted so faithfully, when the officers of State had acted so knavishly, that Preston, the Provost of Edinburgh, and Keeper of Dunbar-castle, was deprived: And Bothwell, who had merited reward, was on the 24th of March 1565-6, appointed Governor, in his room. As Dunbar-castle lay contiguous to his estates, and those of his friends, with the lands appropriated for its support;² these grants were of great importance to Bothwell.

¹ Simon Preston, the Laird of Craigmillar, who had married the daughter of Monteith of Kers, and the sister of the Secretary's wife. [Haynes, 359.] The Provost acted under the Secretary's influence, who was the contriver of the conspiracy.

² *Privy Seal Reg.* xxxv. fol. 4. This charge, and lands, had been held, by Bothwell's brother-in-law, the Lord John, who died at the end of 1563: the trust of keeping this castle was thereupon given to Simon Preston, the faithless brother of the Secretary, who held it, at the epoch of Murray's rebellion; when he represented the insufficient equipment of that important strong hold. [*Privy Council Reg.* 24th of August 1565.]

Considering the advanced condition of Mary's pregnancy, she followed the advice, which was insidiously given her, of retiring into Edinburgh-castle, as the safest place, for a pregnant Queen, during such a state of treacherous society. And, wishing for a few moments of quiet, after such a shock, she endeavoured to promote general amity.^a She again took Darnley to her bosom, who avowed his penitence. She sent for Argyle, and Murray, whom she tried to reconcile to Huntley, and Bothwell. Her two brothers, Argyle, and Murray, soon acquired their wonted sway over her spirit, and with it the governance of the castle.^o Huntley, and Bothwell, applied for permission to lodge, in the castle; but were positively refused :^p And Bothwell was soon after sent to the

^a The above advice had proceeded from the joint artifices of Cecil, and Murray, who supposed, that it was more than probable, that Mary would never rise from her child-bed ; considering recent events.

^o Argyle married Mary's bastard sister, and Murray was her bastard brother.

^p There remains, in the Paper Office, a long letter from Randolph to Cecil, of the 7th of June 1566, only a dozen days before the accouchement of Mary, which contains many curious particulars : Argyle still solicited for the Earl of Morton, and his friends, without success : Lethington was ordered to ward himself, in Caithness : The Clerk Register

Borders, as Lieutenant, to preserve order, and to watch the motions of Morton. Had any accident happened to Mary, during her accouchement, as had been looked for, with willing eyes, Murray, in the absence of the legal heir, would have retained the castle, and with it the sovereignty of the kingdom : With a view to such an event, Huntley, and Bothwell, were kept out of the castle, as lodgers.

Yet, was it about that time, or rather earlier, that Robertson assures us, a new favourite grew into great credit with the Queen, and

was charged to remain beyond the Tay : The fate of others of Murray's friends was postponed, " till it be known *what shall become of the Queen, in the time of her travel* ;" and Randolph remained, by order, at Berwick, till that event took place. The Queen made her will. The Queen's husband is recovered ; and these two are reconciled : The Earls of Argle, and Murray, lodge in the Castle, and keep house together. The *Earls of Huntley, and Bothwell, wished, also, to have lodged there : but were refused.* The Bishop of Ross hath now the chief management of affairs : The parson of Fleisk (Sir J. Balfour) is not so far in credit, as he hath been. At such a moment, the foregoing particulars are very curious, and important. Randolph added : " The Earl of Bothwell hath *the whole inheritance of Dunbar*, given unto him ; but, the castle is reserved to the Queen." Yet, we have just seen, from the Privy Seal Record, that he was only made keeper of the castle, with the use of the castle lands : We may thus see how calumny was then propagated.

soon gained an ascendant over her heart, which encouraged his enterprising genius, to form designs, which proved fatal to himself, and the occasion of all Mary's subsequent misfortunes : This was James Earl of Bothwell, continues the historian, whom her gratitude loaded with marks of her bounty ; she raised him to offices of profit, and of trust, and transacted no matter of importance, without his advice.¹ Thus ignorant was Robertson of the historical circumstances of that period, and even of the various influences of Murray, and of Bothwell, who enjoyed those offices, hereditarily.

Whatever forebodings there may have been of Mary's miscarriage, or other misfortune, she was safely delivered of a son, on the 19th of June 1566. The month of her confinement

¹ *Hist. Scot.* i. 382 : For that absurd narrative, he quotes those interpolated books, Melvill's *Mem.* 133 ; and Knox, 396. While the historian makes Bothwell gain an *ascendency over the heart of Mary*, Bothwell had been married to Lady Jane Gordon only two months before, that is, on the 22d of February 1565-6 ; and the Queen was now pregnant of a child six or seven months old. We have seen above, from Randolph's information to Cecil, that Murray had, at that time, the chief influence over the Queen, with the possession of the castle of Edinburgh, of which his uncle, the Earl of Mar, was then Governor ; and that Bothwell was even sent out of the way to the Borders, where he was lieutenant.

expired, on the 19th of the subsequent July : and, it was imagined, perhaps by her physician, that a change of air would contribute greatly to re-establish her usual strength. As she could not ride, and had no wheel carriage, she went to Alloa-house, in a ship, along the Forth, accompanied, by Murray, by Mar, the lord of the mansion, by Bothwell, the Lord High Admiral, and by other courtiers ; Darnley following, by land.^r It was here, that she received into her presence, her Secretary Maitland, who was only another name, for talents, and trea-

^r Keith, 345. On the 29th of July 1566, there is, in the Treasurer's Accounts, a charge of ten shillings paid a boy, for carrying *close writings* to the Queen, at Alloa. This shows, that she went earlier to Alloa, than Keith, and others, supposed. Buchanan, in his usual strain of deliberate falsification, says, the Queen went thither, with *pirates*, that is, with the Lord Admiral and his men : And, she rejected Darnley : But, we have seen, in Randolph's dispatch, to Cecil, that the Queen and Darnley, were reconciled, in the castle. The fact is, which ought never to be lost sight of, that Darnley, after the shocking scrape into which he had been led, by Murray, Morton, Maitland, and others, could not look into their treacherous faces ; and of course he could not go into a ship, with them, nor remain in a house, with them : He had not learned, *to smile, and smile, and be a villain*. These intimations explain much of poor Darnley's conduct, who was still very young, and still very inexperienced : And, the Queen could not, easily, govern, without the aid of those odious men.

chery : And, he was the first of Rizzio's assassins, whom she forgave, at the instance of Athole, and Murray, though much against the opposition of Bothwell, and the inclination of Darnley.*

The Queen did not remain long at the hospitable seat of Alloa : The King departed, for Tweeddale, to hunt, accompanied, by Huntley, Bothwell, Murray, and other courtiers. But, Darnley could not forget the share, which he had, in the assassination of Rizzio ; and the publick contempt, constantly, remembered him of his shame ; while the chief conspirators felt no compunction. From the amusements of Tweeddale they all soon returned to publick business, at Edinburgh.

As early, if not earlier, than the beginning of August, the Queen, and her government, had determined, on holding Justice-ayres upon the

* On the 2d of August 1566, Bedford wrote, from Berwick, to Cecil : Lethington, (Maitland's) peace is made with his sovereign : The Lords Maxwell, and Bothwell, are now enemies : Bothwell is, generally, hated ; and is more insolent than even Rizzio was. We thus see the prejudice of Bedford. On the 9th of August Bedford again wrote to Cecil, " that Bothwell is still in favour, and has a great " hand in the management of affairs." Keith *App.* 169. But, we have seen above, that Athole, and Murray, had much more influence, than Bothwell. What prejudice !

English Borders, at Jedburgh:† But, other avocations had prevented her, from going at that period, when the harvest approached.* Such were the considerations, which prevented that juridical excursion, till the first week of October, 1566.

Meantime, the wayward conduct of Darnley, not only gave great vexation to the Queen, but still more offended the nobles. He even adopted the absurd purpose of emigration, without knowing whither to emigrate. And, coming to Edinburgh, at Michaelmass 1566, he was not easily persuaded, by the Queen, to enter the palace; because the leading characters of the state were then within it. Murray, with the suggestions of Maitland, came to the resolution of taking off the object of their hatred. Murray, who knew perfectly the best mode of drawing men into his views, on that occasion,

† On the 3d of August, indeed, Bedford gave notice to Cecil, from Berwick, that Queen Mary meaneth, shortly, to go against Cessford, &c. and keep a Justice-court, at Jedburgh: Bothwell [the Lieutenant] shall come in, with forces. [Keith's *App.* 169.]

* On the 17th of September 1566, Bothwell was present in Council at Edinburgh. [*Ib.* 351.] He was there, also, present, in the Convention of Nobles, which gave a supply of 12,000*l.* money of Scotland, for defraying the expense of the prince's baptism [*Ib.* 359.]

gained over Bothwell, who had his offences to avenge, into Murray's concert against the life of Darnley, who little knew his danger, when he was treading on a precipice.* The conspirators never lost sight of their murderous object, till its final accomplishment. The best commentary on this odious plot is the events, as they were produced, by the able management of great talents, when directed to the fulfilment of their designs.

Bothwell, who was now destined to act in concert with Murray, after all their enmities, taking his departure, for Liddisdale, on the 7th of October 1566, was wounded on the subsequent day, in a scuffle, with Elliot of Park.† The Queen, and her court, set out, on

* Goodall, ii. 321.

† The following dates are quite sufficient to show the falsehood of Buchanan, when he relates the wounding of Bothwell, and the Queen's flight from Borthwick to Hermitage, to visit him: On the 6th of October 1566, Bothwell was present, in Council, at Edinburgh. [*Privy Council Reg.*] On the next day, he went to the Borders. On the 8th of October, he was wounded, said Birrel, by John Elliot, alias John of the Park, whose head was sent into Edinburgh, thereafter. On the 16th of October, eight days after the Queen had arrived, at Jedburgh, she went to Hermitage-castle, distant twenty statute miles, and returned the same evening. [*Privy Seal Reg.* xxxv. 77.] On the 17th of October 1566, the Queen was taken ill; and remained in

the 8th of October, for Jedburgh. All but Darnley went on that necessary excursion to the south ; but, he went to Glasgow, on a visit to his father. Bothwell, as the Queen's lieutenant, had been sent forward to make preparations for the ensuing Ayres. But, the unruly clans of Liddisdale had been gained, by Forster, the English Warden : The Lieutenant of Mary was defied ; and being fiercely attacked, was, severely, wounded in the hand. The Queen, who, meantime, arrived at Jedburgh, and was occupied in superintending the Justice-court ; when hearing of that outrage, rode to Hermitage-castle, on the the 16th of October : to know the truth of what she heard, both of that attack, and those threats on Bothwell's life : And, returning the same evening, she was

great danger, during several days. On the 24th of October, Bothwell removed, from Hermitage-castle, to Jedburgh. There were several intimations, throughout the previous months, of a purpose to assassinate Bothwell. It was stated, in a letter, from Alnwick, on the 3d of April, 1566, that one of Bothwell's servants confessed the purpose of himself, and four more of Bothwell's servants, to murder their master ; and that Secretary Maitland had engaged them in that fell design : The other servants being examined, also, confessed the same purpose. [Keith's *App.* 167.] Of all these machinations the Queen, no doubt, had intimations, and wished to know the truth.

taken ill, on the subsequent day, with a fever, which endangered her life: Yet; was she all unconscious, that Bothwell was now gained, by Murray, to his conspiracy, which was destined to involve her in ruin. The Queen's youth, and constitution saved her, while her physician, Nawe, was praised, for his skill, and his assiduity.

The Queen, and her court, and her judges, remained, at Jedburgh from the 9th of October, to the 8th of November. They remained, performing the same duties, at Kelso, during the 9th, and 10th of the same month; they departed, on the 11th of November, on a tour along the Tweed, attended by Bothwell,* the High Sheriff of the Southern Shires: After seeing Werk-castle, and Berwick-upon-Tweed, the Queen, and her court, did not arrive at Dumbur-castle, of which Bothwell was keeper, till the 17th of the same month: Here, the Queen, and her ministers, remained till the 23d of November, when they removed to Craigmillar-castle; all but Secretary Maitland, who went

* On the 27th of October 1566, the Bishop of Ross wrote from Jedburgh to the Queen's Ambassador, at Paris: "My Lord Bothwell is here, who convalesces well of his wounds." [Keith's *App.* 136.] He, probably, arrived at Jedburgh, on the 24th of October, as he was, certainly, present, in Council, on the subsequent day. [Keith, 352.]

to Whittingham, which will be remembered, as the scene of guilty intrigues.

It was, in Craigmillar-castle, early in December 1566, before the baptism of the Queen's son, that Maitland, and Murray, proposed to the Queen a divorce, from her husband : It was, on that occasion, that Bothwell seconded that proposal ; and thereby showed, that he was now acting, with Murray, and Maitland, as a conspirator against Darnley, and the Queen, dazzled, no doubt, by their plausible plot, how easy it would be to obtain, with their guilty assistance, the Queen's marriage, with her authority, in the state. It is, from this period, then, when this conspiracy was detailed, and matured, that we must trace the life of Bothwell, as a conspirator ; acting with Maitland, and Murray, and Morton, with a constant view to those abominable objects.*

* It may be proper, to state, for the information of those, who may not be completely acquainted with this interesting subject : (1) The Protestation of Huntley, and Argyle, gives a clear, and full detail of that conspiracy. [Goodall, ii. 317.] Doctor Robertson tries, in vain, to enfeeble the force, and the inferences of that detail. But, Cecil considered the *Protestation* of Huntley, and Argyle, as a genuine document. And the laxity of Murray's answer, only, establishes the truth of the facts. (2) The same detail was given, and the same inferences drawn, by the instructions, from the nume-

Soon after the Queen's rejection of the proposed divorce, and the formation of the conspiracy, she departed, from that guilty castle, for Stirling, in order to make preparations for her son's baptism, on the 15th of December 1566. She was too much occupied with other thoughts, to trouble herself, according to Buchanan's falsehood, to prevent Darnley from having clothes, or to contribute finery to Both-

rous convention of earls, lords, bishops, and abbots, which was held, at Dunbarton, in September 1568. [*Ib.* 359.] (3) Archibald Douglas was sent, by the conspirators, to inform Morton, who then lay at Newcastle, of the conspiracy, and to ask his assent, and aid. (4) The interposition of Bothwell, at Craigmillar, when the Queen refused Maitland's proposal of a divorce; by saying that he had succeeded to his father, though his mother had been divorced from him; evinces his guilty concernment, in that conspiracy. (5) Bothwell, also, interposed his influence, whatever it were, to induce the Queen, to pardon Morton, at Christmas 1566. (6) The journey of Maitland, and Bothwell, to meet Morton, at Whittingham, to obtain his decided concurrence with the conspirators, is a clear proof of the conspiracy. (7) The conviction, and confession, of Morton, and Maitland, of their knowledge of the objects of the conspiracy, and the death of Darnley, are the records of their guilt. (Lastly.) It is impossible to deny, or doubt, those facts, and circumstances, which evince the existence of such a conspiracy, with such objects; and that Bothwell did not act, by himself, but in concert, for Murray's interest, more than his own.

well. If Bothwell went to the baptism, his mind was too much occupied, with the pardon of Morton, and the murder of Darnley, to think of *finery*, which, with such a man, on such an occasion, was not an object. It is not true, as Robertson suggests, that Bothwell obtained, by his influence, from the Queen's disinclination, the pardon of Morton: For, it required the concurrence of Elizabeth, Cecil, Bedford; Murray, Athol, Bothwell, Maitland, and of others, to obtain the remission of Morton, and his friends; as we know from Bedford's dispatch to Cecil. The pardon of Morton had the effect, probably, of inducing Darnley, in his state of mind, to seek repose with his father, at Glasgow, where he was, immediately, taken with the small-pox, which there prevailed. Mary tried to refresh her exhausted spirits, by visiting the nobles, around Stirling. Murray carried Bedford to St. Andrews, where he feasted him, for some days, in rejoicing for Morton's re-establishment, in Scotland.^b Bothwell, and Mait-

^b Morton was still, in England, on the 10th of January 1566-7; whence, he wrote a letter of warm thanks to Cecil, for his protection; and offered his best services, in Scotland, to the English Secretary. Morton soon after went to Whittingham. Thirteen days after, on the 23d, Drury wrote to Cecil, from Berwick, "that the Earl of Morton,

land, employed themselves, in intriguing with Morton, and perhaps in gaining others to their views, and objects. The meeting of Bothwell, and Maitland, with Morton, at Whittingham, about the 20th of January 1566-7, is decisive proof of a conspiracy, to murder Darnley: Their subsequent convictions, for the fact, is the record of their guilt. This concert, at Whittingham, proves, also, another point of great importance, that Bothwell had not any of the Queen's writings, expressive of her assent, either to Darnley's death, or of her attachment to Bothwell.

We may perceive, at once, the depth of Morton's mind, and the shallowness of Bothwell's, in the ardour, with which Morton desired, to see some writing of the Queen, expressive of her desire, to have Darnley taken off, which Bothwell asserted: But, when we perceive, even within a few days of Darnley's death, that Bothwell, could not show to Morton any writing, or any word, of the Queen, to that effect, we thereby discern her innocence, and his guilt. Morton

"lieth at the laird of Whittingham's, where *Lord Bothwell*,
"and *Liddington*, (Secretary Maitland) *came of late to visit*
"*Morton*." We know the guilty object of that visit, from the confession of Morton; and from Archibald Douglas's letter. [Robertson, ii. 531.]

now made answer, according to his own confession : “ Seeing I had not obtained the “ Queen’s assent, in writing, as Bothwell had “ promised, he would not meddle further with “ the plot.”^c Is it not apparent, from such circumstances, that Bothwell had not any love-letters, sonnets, or promises of marriage, in the Queen’s writing? Is it not equally apparent, that Morton was aware, that Bothwell, a few days before the murder, had no such love-letters, sonnets, or promises of marriage, to show him? And from the same facts, may we not infer, that Morton, when he pretended, in June following, to have intercepted a boxful of love-letters, from the Queen to Bothwell, knew that, his pretence was unfounded, and his oath, to the same effect, was untrue?

During “ the anxious moments, which pass, “ between the birth of plots, and their fatal “ periods,” Bothwell was not occupied with the Queen, from whom he had no expectation ; but, he was busy, in animating the hearts, and strengthening the hands, of those dependents, who were to aid him, in his villainous purpose. The Privy Council Register evinces, that he was seldom at court, whatever Buchanan may feign. He was, meantime, in Liddisdale, pre-

^c The confession, in Ballantyne’s *Journal*, 495-6.

paring his people ; he was at Dumbar-castle, putting in order the gunpowder, which was to effect an essential part of the fell design.^d Far otherwise was the Queen occupied. She brought her son, from Stirling to Edinburgh, on the 13th of January 1566-7.^e From her physician, she, no doubt, often heard of the true state of her husband's person, and spirit : And, learning, incidentally, that he had given up his project of leaving Scotland ; that he was sensible of her affection ; he avowed, that he was willing to live with her, like a husband ; and they became reconciled to each other : In pursuance of his wish, she went to Glasgow, to bring him, with her, to Edinburgh. In this spirit, she set out from Edinburgh, on the afternoon of the 24th of January 1566-7, probably, for Glasgow ;^f and in the same spirit of reconciliation, she brought Darnley with her to Edinburgh, on the 31st of *the same month*.^g

^d See the confessions in Arnot's *Crim. Trials*, 333 : Anderson's *Col.* ii. 177-8.

^e Birrel's *Diary*.

^f The Privy Seal Record ; and the Register of Signatures, both contain documents, which evince, that the Queen still remained, at Edinburgh, on the 24th of January 1566-7 : And two such records are decisive evidence of the fact, whatever Robertson may say to the contrary. She may have left Edinburgh, in the afternoon of that day.

^g Birrel's *Diary*.

He was now placed in the house of Kirk-a-field, in the southern suburbs of Edinburgh, for the benefit of air, at a distance from the prince, his son. The frequent visits, which Mary made to Darnley, in this residence, during his convalescence, are the best proofs of her reconciliation, and of her kindness. And yet, Morton, and Murray, produced, in evidence, a boxful of letters, which, as they said, had been then written, from Glasgow, by the queen to Bothwell, and which contradict those facts, and contravene those records.

The conspirators, with the advice of Maitland, and the agency of Bothwell, their cat's-paw, began to make preparations, for effecting their nefarious plot, from the moment, that the house was known, wherein Darnley was to lodge: Nor, were the conspirators, and Bothwell, at any loss to know the facts, from Secretary Maitland, the ablest, and the most artful, of all the plotters. It was, from him, that the queen's movements were known; and indeed, the whole conspirators were Privy Counsellors, who were perfectly acquainted with every event, foreign, and domestick.

The whole preparations being now made, with the advice of Maitland, Bothwell, the instrument according to the detail of the plot; which required his activity, and forwardness, on the

10th of February, about two, in the morning, with his associate complotters, and his servants, effected their odious design, by strangling the king, and his servant, Taylor, who slept, in his apartment ; and, by carrying their bodies into the adjacent garden ; when they fired the gunpowder, which blew up the infirmary, where they reposed.

Whether Elizabeth, and Cecil, knew the murderous part of the plot is uncertain : Yet, is it obvious, that Maitland was the contriver of it ; that Murray approved of it, though he showed his consciousness, by his going out of the way, at the catastrophe ; and that Morton, whatever he might, at first, pretend, was present, at the deed, by Archibald Douglas, his agent, and was the most vigorous of all the actors, in bringing the conspiracy to its appropriate end ; whereof Bothwell was, “ such an Herculean actor in the scene.”^b

It was soon whispered, by those, who knew the secret, that Bothwell was the chief murderer of Darnley, though some persons were

^b See the examinations of Powrie, Dalgleish, Hay, Hepburn, who were all executed as murderers, for the part, that was acted by Bothwell. [See Anderson's *Col.* ii. 165-171, 173-177-183 ; and Arnot's *Crim. Trials*, 383, for Ormiston's confession.]

joined with him, in that charge, who were innoxious ; for the purpose of delusion.ⁱ Bothwell was ere long charged, by publick advertisement ; and, more privately, by Lennox, Darnley's father ; with being the chief assassin of the king ;^j and it was even hinted, by secret emissaries, that the queen was not altogether unacquainted with the odious purpose of her husband's death ; in order, that she might be first disgraced, by calumny, and, finally, dethroned ; as one of the principal ends of the whole conspiracy. Yet, was there no disturbance ; as the leading men were all engaged, in the plot. " Lennox desired the queen," said Kyllgrew to Cecil,^k " that such persons, as

ⁱ Keith, 368-9-370-1-2-3-4.

^j On the 12th of February, two days after the murder, a proclamation was issued, from the Privy Council, offering a reward of 2,000*l.* to any one, that would discover the murderer. [*Ib.* 368.] On the 16th of February, a placard was affixed to the Tolbooth door ; accusing Bothwell, Sir James Balfour, David Chalmer, and John Spens, with being the murderers. [*Id.*]

^k Sir Henry Kyllgrew, who had been sent, by Elizabeth, at the end of February, to condole with Mary, on the death of Darnley, wrote Cecil on the 8th of March : " That he had had no audience before this day, after dinner, with my Lord of Murray, who was accompanied [at dinner] with my Lord Chancellor [Huntley], the Earl of Argyle, my Lord *Bothwell*, and the Laird of Lidington [Secretary Maitland]."

were named, in the placard should be taken : Answer was made to him, that if he, or any will stand to the accusation of any of them, it shall be done ; but, not, by virtue of the bill, [placard] or his request." Lennox, however, persevered, in his accusations of Bothwell, till the Privy Council found it necessary, on the 28th of March, to appoint the 12th of April, for his trial, by the Justice-court.¹ Lennox soon discovered, that it was more easy to charge such a crime, on such a person, than to convict him : And after all his zeal of prosecution, he thought himself obliged, to apply to Elizabeth, for her influence, to obtain an adjournment of this long expected trial. Elizabeth, who delighted to embarrass the Scottish queen, sent an express messenger to Edinburgh, for the several objects, of gratifying Lennox, and distressing Mary : But, such an interposition of a foreign sovereign, to obstruct a court of justice, could not be admitted.^m The judges, ac-

This important passage shows *Bothwell* at *Murray's* table, twenty days after Bothwell had ben charged, publickly, with the murder of Darnley : Nor can there be any doubt, but Murray knew his guilt : as he was himself one of the conspirators. [Unpublished letter of Kyllgrew in the Paper Office.]

¹ Keith, 369-375, has printed the letters of Lennox with the queen.

^m From that interposition of Elizabeth, and other cir-

cordingly, assembled ; the jury was sworn ; and Bothwell came into court, with Morton, on one hand, and Maitland, on the other, of the culprit : Nor, could he have had more able co-adjutors, than two statesmen, the ablest, the artfullest, and the most audacious, in Scotland.* Lennox, being either gained, or terrified, remained at Stirling, but sent two agents, Crawford, and Cuninghame, to support his feeble accusation, who produced some documents to

cumstances, in her conduct, and Cecil's intrigue, it appears, that they were not let into the real secret of the conspirators, as they could not avow such a murder. Elizabeth, and Cecil were led, by such ignorant spies, in Scotland, as Grange, to suppose, that Bothwell was protected, and encouraged, by the queen ; while it was her ministers, and nobles, Maitland, and Murray, and Morton, who contrived, and conducted the plan of the conspiracy, for acquitting Bothwell, and marrying him to the queen, with design to ruin both. When Elizabeth, and Cecil, traversed their measures, for those monstrous ends, they only showed, that they were not in the true secret of the statesmen, who were deeper, than themselves : We ought not to be surprised, then, that Mary was betrayed, and deluded, by those miscreants, to her ruin.

* Camden's *Hist. Transl.* 93-4. Belforest, the author of "*Innocence de Marie*," concurs with Camden. And the letter, from Drury to Cecil, of the 15th of April 1567 ; giving him the result of Elizabeth's endeavours, to delay the trial of Bothwell. [See this interesting letter in the *App.* No. I. to this Memoir.]

prove Bothwell's guilt, and desired forty days delay, to give in additional proofs. And there being no proper prosecutor, nor any adequate proof, he was, necessarily, acquitted, by the court, and jury, according to the previous concert of the conspirators. Thus, successful was Bothwell, under such protection.

But, he was still more successful, under the same influences, at the subsequent Parliament, which met two days after the trial. It ratified all Bothwell's titles ; but not the acquittal of Bothwell, by the Justice Court.^o The Parliament of April 1567 may be fitly called the *healing* Parliament ; considering how many *confirmations*, and ratifications, were passed by it, under a convenient compromise of all parties, and a proper attention to all interests.^p

Thus supported by Morton, and Maitland, and by Murray's faction, Bothwell went on

^o That ratification is asserted by every one, who wrote privately about it, and who considered it as a fact, universally, known. It was expressly asserted, by the convention, at Dunbarton, of seven earls, twelve lords, eight bishops, and eight abbots, who sat, in that Parliament, and must have known the fact. [Goodall, ii. 361.] The Act of ratification does appear in the *Acta Parl.* ii. 550.

^p See a list of the Acts of this Session, in Keith, 178-9-80 ; and the *Parliamentary Record*, 752 : Yet, if we might believe common history, it was called, merely, to restore Huntley, and confirm the titles of Bothwell.

prosperously towards the great object of his guilty career. The Parliament had, scarcely, risen, when a bond was signed, by eight bishops, with the Archbishop of St. Andrews, at their head, by nine earls, by Maitland and Morton, in their front, and by seven lords, on the 20th of April 1567, approving of Bothwell's acquittal; recommending him, as the properest person, for the queen's husband; and pledging themselves to defend such a marriage, with their lives, and fortunes.¹ Thus fortified, Both-

¹ See that notorious document, in Keith, 380. Among the earls, was conspicuous Morton, who now possessed the great secret of the conspiracy, under which that abominable business was transacted; and managed the whole, for Murray's interest; and Argyle, Rothes, and Lord Boyd, who had all leagued, with Murray, in his interested rebellion against the queen's marriage with Darnley. What was this disgraceful measure, but the surrender of the queen's person, into the hands of a ruffian, and a murderer! Morton, when he was about to lay his guilty neck upon the block, said, that he signed the abovementioned bond, under the influence of a precept, from the queen; but, if ever such a precept appeared, it was an obvious forgery, for a particular moment: And, Morton, died on the scaffold, with a dozen lies in his falsifying throat. Yet, I do not concur with Mr. Tytler, in thinking, that the abominable bond had any weight with the queen, in persuading her to marry Bothwell: It only emboldened an audacious man, to do that, which induced her to think it necessary to give him her sullied hand. From Melvil (*Mem.* 80.) we learn, "that in Dunbar-castle, Both-

well thought himself double sure of the objects, which had been held up to his ambitious eyes, by his coadjutors in villainy. Four days after the date of that bond of assurance, he marched out at the head of a thousand horsemen; and seizing the queen's person, at the Foulbrigs, near Edinburgh, on her return from Stirling; he carried her, forcibly, with her principal attendants, to the castle of Dunbar. The queen was thus, plainly, delivered into the hands of a ruffian, by the nobility, and bishops, who signed that bond, and were accessories to his villainy, though some of them meant well.* As

well boasted, he would marry the queen, who would, or who would not; yea, whether she would herself, or not;" and then Melvil, who was a prisoner, with the queen, in Dunbar-castle, adds, "the queen could not but marry him; seeing he had done that, which obliged her to give her consent." This, then, being *the fact*, the enquiry is reduced to a question of *female delicacy*. Elizabeth would have chosen his head: Mary, who was less masculine, chose to accept his odious hand. The Bishop of Ross, who was a civilian, and a casuist, says, in his *Defence of the Queen's Innocence*, "Mary, nothing suspecting the guilt of the Earl, after his acquittal, yielded to that, to the which those crafty, and seditious heads, and the very necessity of the time (as it then to her seemed) did, in a manner, enforce her." Now, the necessity, which enforces, must justify: *Necessitas quod cogit defendit*.

* On the 20th of December 1567, at the Parliament then

those several charges against Bothwell were found, by Parliament, to be true, we are obliged to believe, that the facts charged were real. Whatever glosses may have been put upon them, by ignorance, or the partiality of historians ; as the highest authority thus adjudged Bothwell to be guilty of those several points of treason, we are equally bound, to regard him, as guilty, and the queen, as innocent ; considering that, she had been coerced, by the power of a ruffian, whom she could not resist.

But, Bothwell, after all those traitorous proceedings, against the Queen, had still a wife, whose marriage contract was to be dissolved ; and her connection to be, legally, discharged,

held by the Earl of Murray, James Earl of Bothwell, and six assistants, were impeached, and convicted of the following crimes : 1. for the murder of the king's father ; 2. for ravishing of the queen's person, at the Foulbrigs ; 3 for imprisoning of her person in the castle of Dunbar ; 4. for compelling her to complete a marriage with him ; 5. for stuffing, and holding of the said castle. [Sir Lewis Steuart's *MS. Col.*] The genuine record of those proceedings has been lately printed, in the *Acta Parliamentorum*, under the authority of the Record Commissioners. A copy of the same record had been sent to Cecil, at the time, and now remains, in the Paper Office : But, a collation with the genuine record evinces, that the copy was vitiated, in disfavour of the Queen, by the *very miscreants*, who were her own servants, but leagued with Murray Maitland, and Morton.

before he could proceed the full length of his ambitious aims.' And, he commenced a process, in the Archbishop's Consistory Court, for a divorce on the pretence of *consanguinity*.^a And his wife sued her husband before the Consistorial Court of Edinburgh, for a divorce, on a charge of adultery: The sentence of divorce, on her suit, was pronounced on the 3d of May 1567; and on his suit, the marriage was declared null, on the 7th of May 1567: Whether the parties to those proceedings could marry again; he to some other woman; and she, to some other man; was then doubted by the gravest lawyers: They both did, in fact, marry again. The Queen herself had not completely made up her opinion on the effect of a divorce; but, she was overpowered, by a necessity, which enforced her acquiescence, though with many a sigh.^b

In this manner, then, did the conspirators, and Bothwell, accomplish their insidious purpose, for effecting the Queen's marriage with Bothwell, in pursuance of the plot.

^a Before the divorce, Bothwell granted to his wife, for life, the lands, and town, of Nether Hales, in Haddingtonshire; which grant was confirmed, by a charter, under the Great Seal, on the 10th of June 1567. [*Privy Seal Reg.* xxxvi. fol. 115.]

^b They were *fourth cousins*.

^c Keith 369-94.

At the end of a dozen days imprisonment, Bothwell brought the Queen, under the escort of his horsemen, to Edinburgh-castle, preparatory to his marriage with her, the consummation of all his wishes, and the reward of all his crimes; though he did not reflect, amidst his reveries of enjoyment, that the moment of his marriage with her, was, also, the fulfilment of the compact, with his coadjutors in crime: On his part, he had murdered Darnley; on their parts, they had obtained his acquittal, for the crime, and had enabled him to marry the Queen: From the moment of this marriage, their amity with Bothwell ceased; and their enmity began, if it were not already begun.*

* It has been already seen, that Elizabeth, and Cecil, were not informed of the whole extent of the conspiracy: They began to perceive, however, from the turn, which the whole affair was taking, by the charge against Bothwell, and the probability of the Queen's marriage with him; that the whole would end in her ruin: When Elizabeth, and Cecil, attempted to prevent the acquittal of Bothwell, they acted without knowledge of the whole conspiracy: But, when Murray passed through London, about the 14th of April 1567, he, probably hinted enough to Cecil, to show him, that a storm was approaching, which would lay the fortunes of the Queen, and Bothwell, in ruins. In the Paper Office, there is a letter from Bedford, Elizabeth's chief officer at Berwick (then being in the south,) dated the 11th of May

The Queen now thought herself obliged to make a declaration before the Court of Session, who had ceased to sit, when the judges heard of her imprisonment; allowing of their conduct; acknowledging her forgiveness of Bothwell; and avowing her liberty; though she felt, that she acted, by a constraint on her will.⁷ The banns of marriage were published in a church of Edinburgh, though not without opposition. She created Bothwell, Duke of Orkney. And she was publickly married to him, in the Chapel of Holyrood-house, by Adam, the Bishop of Orkney, on the 15th of May 1567.⁸ The news

1567 to Cecil: "I understand by your last letters, that her majesty's meaning is, to have me make haste Northward, to comfort those Lords of Scotland, that are joined together to withstand Bothwell's attempt. I mean to be at Berwick as soon as may be." The Queen was only married to Bothwell four days after. We now perceive, that Cecil, even before the 11th of May, was master of what was to happen. But, who informed him? The answer must be, Murray: and Murray was completely acquainted with the detail of the plot; and acquainted Cecil with the results; that Morton, and his associates, would draw their swords against the Queen and Bothwell, the moment after their marriage. Cecil's letters, in the *Cabala*, correspond, exactly, with the reasoning, from Bedford's letter to Cecil.

⁷ Keith, 385.

⁸ There are three contracts of marriage, between the Queen and Bothwell, in Goodall's *App.* ii. 54-61: The two

of this marriage, with the supposed murderer of her husband, was speedily spread over Europe; and was received, with indignation, by all those, who did not know the circumstances, which compelled the Queen to act; and who did not advert, that whoever obeys a power that cannot be resisted, acts, innocently, in a moral sense.

From henceforward, we must consider Bothwell, as no longer supported, by Murray, Morton, Maitland, and the other conspirators. Morton, and his associates, now began to band together, secretly, at first, but, more openly, afterwards, when they drew their swords, on the 10th of June 1567.* The Queen, and Both-

first are obvious forgeries. The third is the real contract, in 57-61 : It was witnessed, by the Archbishop of St. Andrew's, two other bishops, by Huntley, the Chancellor, Maitland, the Secretary of State, by the Justice-clerk, and her advocate, by the Earls of Crawford, and Rothes, Lord Lindsey, Lord Herries, Lesley the Bishop of Ross, who signed this contract, cries out shame upon the subsequent conduct of the Bishop of Orkney.

* There remains, in the Paper Office, a letter from Kirkaldy of Grange to the Earl of Bedford, whose spy he was, dated the 26th of April 1567 : He desired to know what part Queen Elizabeth will take : There are men enow would revenge the murder, but are afraid of Elizabeth. The Queen did, soon after, take her part against the Scottish Queen, and

well, knew so little of the intrigues, which were carrying on against them, even before the epoch of their marriage, that they were in danger of a surprise, when they fled hastily, to Borthwick-castle, on the 6th of June 1567; leaving Edinburgh-castle in the doubtfull hands of Sir James Balfour.^b Morton, and his associates, entered Edinburgh, four days after, with the good will of the Provost, and citizens; and the insurgent nobles, at once, assumed the government of the whole nation, as if an abdication had already taken place. The avowed principle of their insurrection, was, for freeing the Queen, from captivity, for preserving the prince, and for punishing the murderers of her late husband.^c Morton, who was the chief of the

Bothwell; and, as we have seen, she ordered Bedford, to repair to Berwick; to comfort the lords, who were leagued together to withstand Bothwell. Morton, who had urged on Bothwell to his fate, put himself in arms against Bothwell, on the 10th of June. Kirkaldy, we thus see, was quite out of the real secret.

^b Lesley's *Defence*, 20; Keith, 398.

^c Keith, 399; Anderson's *Col.* i. 128: Goodall, i. 366-7: The proclamations of the insurgents were, undoubtedly, very artful, and threw the Queen into a complete snare. The audacity of impudence, in Morton, by acting thus, would be very wonderful, in any other character, than in such a miscreant: He was the leading member of the conspiracy: He

insurgents, was also one of the chief murderers of Darnley.

Morton was now the very soul of this new insurrection ; having the secret of Murray, with the confidence of Cecil : And, he drew his sword, and went into insurrection, which was wholly founded upon an audacious assumption of what did not exist, except in gross pretence : The Queen was, no longer, in captivity ; the Prince was safe, within Stirling-castle, in the care of Mar, one of the insurgents ; and Morton himself, Maitland, the Secretary, and James Earl Bothwell, were the three principal assassins.⁴ Morton had already conducted the conspiracy of Craigmillar with complete success

it was, who encouraged Bothwell to commit the murder ; he was himself guilty of the same crime ; and was afterwards convicted, and executed for the treason : Morton stood, by Bothwell, in the Justice-court, and obtained his acquittal : And, he was, afterwards, the leader in the bond, for defending Bothwell's innocence, and his marriage, with the Queen. The duplicity of this principal villain is the strongest evidence of the plot, and of the depravity of the conspiracy.

⁴ Morton, and Maitland, were both convicted, and died for this very offence, which they now so much deplored ; and for punishing whereof they now took arms : The Queen afterwards, complained, that no one drew his sword, for her relief, *before* her marriage with Bothwell !

to the very last object of that nefarious plot, namely, the dethronement of the Queen: And he now took arms, to free her from captivity. Four days, after, those purposes of insurrection were avowed, by proclamation, the Queen left Bothwell, at Carberry-hill, who was desired, to retire, quietly, and no one should follow him; and on the 15th of June 1567, she joined the insurgents; taking merely, a verbal engagement, that they would receive her, as their Queen, and obey her, as their sovereign, according to their avowed principles. They immediately, violated all their engagements, whether by proclamation, or by verbal agreement: They carried the deluded Queen, as a captive, to Edinburgh; and in the subsequent night, sent her a prisoner to Lochleven-castle, on such motives, as would not justify the detention of a prostitute, for a night.* As the Queen was now

* The warrant, for committing the Queen to prison, and dethroning her, may be seen, in Laing's Appendix. [Keith, 402-3.] Of those events the following is Cecil's delusive account to Norris, the English Ambassador, at Paris: "The best part the nobility hath confederated themselves, to follow, by way of justice, the condemnation of Bothwell, and his complices, for the murder of the King: Bothwell defends himself, by the Queen's maintenance, and the Hamiltons; so as he hath some party, though it be not great: The 15th of this month, he brought the Queen into the field; with

dethroned, here was the *denouement* of the tragical plot of Craigmillar-castle.

When the Queen left Bothwell, at Carberry-hill, on assurances, that were never fulfilled, Kirkaldy, the agent, for the insurgents, took him, by the hand, and desired him to withdraw, while he would ensure his safety. Deserted thus by the Queen, on the 15th of June, a little month, after their marriage, and opposed, by those, who had engaged to defend his innocence, and his marriage, Bothwell retired, from the tented field to Dunbar-castle,

“ With shame, and sorrow, fill'd :
Shame for his folly ; sorrow out of time,
For plotting an unprofitable crime.”

But, according to Cecil's misrepresentation, the insurgents only restrained the Queen, until they came to the end of their pursuit against Bothwell, who had been already acquitted, and secondly declared innocent, by the chiefs of the insurgents themselves : Yet, the conspirators

her power, which was so small, as he escaped himself, without fighting, and left the Queen, in the field ; and she yielding herself to the lords, flatly denied, to grant justice against Bothwell ; so as they have restrained her, in Lochleven, until they may come to the end of their pursuit against Bothwell.” Such, then, is the deliberate falsehood of Secretary Cecil ! And, the *Cabala* is the record of his guilt. This story, however, was sufficient to delude the court of France.

having obtained the great prize of the Queen's person, plainly permitted Bothwell to retire, without pursuit, to Dunbar-castle.^f

On the 16th of June, the insurgent nobles entered into a bond of association, "for prosecuting the Earl of Bothwell." And, in this association was included Sir James Balfour, the keeper of Edinburgh-castle, who had been gained, by Secretary Maitland. On the 20th of June, Bothwell is said to have sent his servant, Dalgleish, to the castle, to bring, from Balfour, a boxful of letters, which Morton as-

^f Camden, the fairest, and best historian of those terrible times, is positive upon the point, that Bothwell was allowed to escape; as his detention was dangerous to the insurgents themselves; and as their real intention was the dethronement of the Queen: They now had her in Lochleven, and had only to say, that she was no longer Queen, and to proclaim her son, with Murray for his regent. "Scarcely had Murray left England," says Camden, "when those, who had acquitted Bothwell, from the guilt of the murder, and had given him their consent under their hands (by the bond) to the marriage, took arms against him, as if they would apprehend him; whereas, indeed, they gave him secret notice, to provide, for himself, by flight; and this, to no other purpose, but lest he, being apprehended, should reveal the whole plot; and that they might allege his flight, as an argument to accuse the Queen of the murder of the King." [*Life of Eliz. Transl. 94.*] The whole State Papers confirm this representation of Camden, who had his accurate information, from the Cottonian Library.

served he had intercepted : But, what is improbable is not easily believed ! On the 26th of June, Dalgleish was examined, by Morton and other Privy Counsellors, concerning the King's murder ; but, they did not ask him a question, about the interception of the box. On the same 26th of June, there was issued an Act of the Privy Council, "for apprehending Bothwell :"
He is now charged, with being the principal actor in the murder ; with ravishing the Queen's person, with enforcing her to marry him : Considering her as an oppressed, and innocent woman, under his bondage and thralldom : And, the insurgents offered a reward of a thousand crowns, for bringing him to Edinburgh ; in order that justice may be done upon him. This proceeding, ten days after the Queen had been imprisoned in Lochleven, is a mockery to her ; while they gave notice to the wrong-doer, to withdraw from a country, that could no longer tolerate him. Ten days after, he did retire, from Dunbar, by water, into Murray-shire, where he was entertained, by his grand-uncle, the bishop, in the same house of Spynie, where he had been bred. He was not long after obliged to seek for shelter, in his Dukedom of Orkney, where he was refused access into the castle, by Gilbert Balfour, his own keeper of it. As he was now pursued, by a small

fleet, which had been sent, from Leith, in quest of him, he fled to the coast of Norway, where he was arrested, by the Danish government. It is quite apparent, that the chief conspirators, Murray, Morton, and Maitland, had a stronger interest, in driving Bothwell, from Dunbar, after three weeks respite, than in bringing him, for trial, to Edinburgh;^{*} as he had their engagements, in writing, to save him harmless; and might easily have disclosed the detail of the whole conspiracy.

Bothwell, after a long respite, was at length driven away from Scotland. He could not now reveal secrets; he could not state the names, and the conduct of all those, who had prompted, and aided him, to make his treasonous attack on the Queen's person, and to force her to marry him. He remained many a year, in the prisons of Denmark, while the Danish King, understanding the true state of the singular facts, refused to deliver him, either to Elizabeth's desire, or the regent's entreaty.^h

^{*} On the last of September, the castle of Dunbar, which had been held, for Bothwell, hitherto, was surrendered to the Regent Murray, who ordered it to be demolished. Birrel, 14.

^h Elizabeth, on the 29th of March 1568, wrote to the Danish King a letter, on the same subject; urging him to cause Bothwell to be delivered to the Scottish government.

Bothwell, however, some years after, signified his consent to be divorced, from the Queen, who could no longer be of any benefit to him.

On the 20th of December 1567, the last day of Murray's Parliament, Bothwell was forfeited, for various points of treason, concerning the Queen's personal arrestment, and enforced marriage, which form the most decisive proofs, of the Queen's innocence, who could not be guilty, while she acted under the constraint, that she could not resist.¹ The regent's government, consisting, chiefly, of the conspirators against the Queen, carried their zeal, for the punishments of Bothwell, and his agents, to a great height, as it freed themselves from suspicion.

The regent Murray sent Stewart, the Lion King, to Denmark, not only to announce his elevation, but to solicit the delivery of Bothwell,

[See her violent letter, in Hearne's *Robert of Gloucester*, ii. 671-3.]

¹ Birrel, 14. Sir Lewis Stewart's *MS. Collections*; and the *Acta Parl.* iii. 5-8. It is at the same time remarkable, that the Privy Council, with Morton, at the head of it, in an Act of the 31st of July, charged Bothwell, with treasonably seizing the Queen's person; with leading her captive to Dunbar; with constraining her, being in his bondage, and thralldom, to contract a marriage with him. [Anderson's *Coll.* i. 142.] These were three of the very treasons, for which the Parliament of December 1567, attainted Bothwell.

which was not conceded to those, who were not supposed to be quite innocent themselves. The regent Lennox sent Morton, Pitcairne, and M^cGill, to solicit Elizabeth, for the delivery of Mary to him ; and he dispatched Thomas Buchanan, to Copenhagen ; in order to obtain the guilty person of Bothwell : But, as the objects of those solicitations were known, and detested, neither the Queen, nor Bothwell, was delivered into such treacherous hands.*

In the meantime, the friends of Mary were more successful, when they applied to Bothwell, for a written assent, to his divorce from the Queen : In 1569, he gave a letter, or rather a mandate to Lord Boyd, signifying his assent

* Morton, and his two associates, received, while they were at the court of Elizabeth, a letter from Thomas Buchanan, Lennox's agent, in Denmark, dated on the 20th of January 1570-1. They detained this letter, for some time, from the Regent Lennox : For that we had no will, said they, the contents of the same should be known ; fearing that some words, or matters, mentioned in the same, being dispersed here, as such news should rather have hindered, than furthered our cause : Being asked, by Secretary Cecil, to see this letter, from Thomas Buchanan, they gave him a copy ; omitting such things, as they thought not meet to be shown. [Goodall, ii. 332.] Knaves will always act as knaves : We thus see, Morton, the Chancellor of Scotland, the Secretary of State, and M^cGill, the Clerk Register, imposing upon the English government, by a falsification !

to such a divorce.¹ But, when Lord Boyd repaired to the Convention of Perth, in February 1572-3, the ruling powers refused their assent, though one of the principles of their insurrection had been, to separate the Queen, from her enforced marriage: But, they acted, merely, as they were required, by Elizabeth, who did not approve of such a divorce, as it might have gratified Mary.

Bothwell appears, thenceforth, to have been little noticed by any of the parties, either in England, or in Scotland. And, he died in the Danish castle of Malmay, towards the end of 1576; declaring with his last breath, that the Scottish Queen was quite unconscious of the death of Darnley, which had been procured, by the advice, and actions of Murray, and Maitland, and Morton.^m It is unneces-

¹ The above letter, or mandate, remained among the family papers of Lord Boyd's descendants, even below the year 1746; and is a new intimation, for the Scottish historians.

^m Camden's *Life of Elizabeth*, 137. In Sinclair's *MS. History of Scotland*, which was written, at the time, and remained, in the Scots College, at Paris, till recent times, p. 796-7, there was the following passage: "Bothwell, at his death, and several times before, declared on his oath, that he himself committed the murder, by the counsells of Murray, and Morton; and that the Queen was altogether innocent, and knew nothing of the murder." To

sary to elaborate such points : Every fact, and circumstance ; every authentick document, and subsequent discovery ; concur to evince the Queen's unconscionsness of her husband's murder, which was clearly effected, by the overpowering conspiracy of Murray's faction, with Bothwell, for the conspirators' instrument and *victim*, on that occasion.

this, Sinclair added, " that the King of Denmark sent authentic copies of Bothwell's declaration to the Queen of England, and other princes." In a letter, from Mary, to the Archbishop of Glasgow, her Ambassador, at Paris, dated the 6th of January 1577, in the Scots College, Paris, *Mem. Scot.* tom. ix. fol. 8, she says, that the King of Denmark had sent to Queen Elizabeth the testament [declaration] of the late Earl of Bothwell ; but, that she had secretly suppressed it. Before the Bishop of Sconen, and four of the Danish lords, the Earl of Bothwell solemnly declared what he knew of the late King's death, after apologizing for his weakness, which prevented him, from speaking much, that the Queen was innocent of the King's death ; and that he himself, his friends, and certain of the nobility, were the only authors of it. [*Mem. Scot.* tom. ix. 145.] From Sir John Forster's letter to Secretary Walsingham, we learn, that Bothwell's *Testament* was given in evidence against Morton on his trial for the King's murder.

SUBSIDIARY DOCUMENTS.

No. I.—*Of the Trial of Bothwell, for the Murder of Henry, late King of Scots:—Drury's Letter to Cecil, on this subject.*

THAT the trial of Bothwell, on the 12th of April 1567, was collusive is quite apparent : It was an essential part of the conspiracy of Murray's faction, for the King's death, that Bothwell their cat's-paw, should be saved harmless. Morton, and Maitland, acting for that faction, did protect him on his trial ; and did obtain his acquittal. Keith, p. 373-378, has collected the principal circumstances of this notorious adjudication. Sir Lewis Stewart has gathered into his MS. Collections, merely *the assize*, or list of the Jurors. He concurs with the Documents, in Keith, that the fact of the murder was charged, as committed, on the 9th of February 1567, when it ought to have been, on the 10th of the same month. On this head, little more need be said, as indeed little additional is to be attained. But, as Queen Elizabeth interposed, with Mary, to delay the proceedings ; sending a letter to that effect, which was conveyed, by the Provost Marshall of Berwick to Holyrood-house ; it may gratify a reasonable curiosity, to see how he was received there, on the morning of the trial of Bothwell ; who appeared to protect him ; and what were the opinions of Edinburgh, on that occasion. The letter of Sir Wm. Drury to Secretary Cecil, on those subjects, is

preserved, in the Paper Office, Vol. 18, No. 20 ; and is hereunto subjoined:—

(2) Right Honorable—The Queene's Ma^{ty} letter directed to the Quene of Scotts I received the xi hereof, at x of the clock, which forthth I depeached by the Provost Marshall here, who in myne opinion was not the unmeetest I could choose for the purpose. He arrived at the Court the xiith at vi in the moreninge, and then used his diligence ymediatly to deliver his letter, which he hadd in chardge to the Quene, attending some good space in Court, procuring all that he might by the meanes of such as were nere her person, who told him it was earlie, and that her ma^{ty} was asleepe, and therefore advised him to tary sōme tyme thereabouts till she arose, w^{ch} he did, going owt of the Court in to the towne, and shortly after returned, she being not yet rysen, and therfore walked abowt till ix, or almost teñe of the clock, when as all the lords and gentlemen were assembled taking their horsse, and then thinking his opertunitie aptest, going into the Court as a little before he did (the contents of the letter he brought being conjectured and bruted to be for stay of the Assiss) was denyed passage into the court in very uncourtouse mañer, not wthout sōme violence offred, which seing he could not be permitted to have recoursse into the court, as all other persones whatsoever they were ; he requested that sōme gentelman of credite would undertake faythefully to deliver his letter from the Queenes ma^{tie} of England to the Quene their sovereigne, w^{ch} none would seeme to undertake. Uppon this came unto him the Parson of Oldehamestock, surnamed Heyborne, who told him that th' Erle Bodwell hadd sent him wth this message, that th' Erle

understanding he hadd letters for the Quene, would advise him to retyre him to his ease or abowt some other his buseness, for the Quene was so molested and disquieted wth the business of that day, that he saw no likelihood of anie meete tyme to serve his turne till after the Assiss. Then came the Lorde of Skyrling, who asked him if his letters were ether from the counsell or the Queenes ma^{tie}, he told him from the Queenes ma^{tie} only—then sayd he, ye shall be soone dispatched, and so returning into the Court, desired the said Parson to keepe him company at the gate, wth he did, and therewth espieing a Scottishe man whome he hadd for a guide, tooke occasion to reprehend and threaten him of hanging for bringing such Inglishe vilaynes as sought and procured the stay of the Assiss, wth woords of more reproche.—In this instant Lidington was cōming owt, and Bodwell wth him, at the w^{ch} all the lordes and gentlemen mounted on horssebak, till that Lidington came to him, demaunding him the letter, w^{ch} he delivered, th' Erle Bodwell and he returned to the Quene, and stayed theare w^{thin}, halfe an hower.—The hole trope of lords and gentelmen still on horsebak attending for his cōming.—Lidington seemed willing to have passed by the Provost w^{thout} any speech, but he pressed towards him, and asked him yf the Queenes ma^{tie} hadd perused the letter, and what service it would please her ma^{tie} to cōmaunde him back agayne.—He answered that as yet the Quene was sleeping, and therefore hadd not delivered the letter, and thought there would not be anie meete tyme for it till after the Assiss, wherefor he willed him to attende. So giving place to the thronge of people that passed, wth was greate, and by the estimaçon of men of good judge-

ments above IIII^m. gentlemen besids other—Th' Erle Bodwell passed wth a mery and lustie chere, attended on wth all the souldiers being CC all harkebuzers to the Tolbowth, and there kepte the doore, that none might enter but such as were more for the behofe of the one side then the tother.—The Assiss began betwene ten and aleven and ended vii in the after none.

The' Erle of Arguile and Hunteley, cheefe judges. What perticularly was done or sayde theare I canne not yet lerne, more then that there were two advocats, called Crayforde and Cuningham, for th' Erle of Lenox, who accused th' Erle Bodwell for the murder of the King, alleadging certeine documents for the same, and desiring fortie dayes terme lenger, for the more perfitte and readier collection of his proofes, and the said Erle of Lenox woulde be bounde to prove uppon Bodwelle, that it was his act in woorde and deed, and therfore yf they clered him in that Assiss they protested for wilfull error.

Sixe of them wth sett uppon him, neither quited him nor clered, but were silent: who they be I canne not yet tell.

Th' Erle Morton refused to be of the Assiss, sayeing that to serve her ma^{tie} he would be gladd, howbeit in this cawse thoughe the King hadd forgotten his part in respect of nature towards him, yet for that he was his kinseman, he would rather pay the forfecte, which was C[£]. Scottish.

Th' Erle Creyford would gladly have been of the Assiss, but could not be admitted.

Th' Erle Castells because he refused to be of the Assiss, the Quene cōmaunded him upon payne of treason,

eather to goe to ward to Dunbarre, or ells to accepte the other her pleasure.

It is affirmed that at this Assiss none were sworn.

Th' Erle Bodwell hath satt up a cartell ymediately wth the ending of the Assiss, declaring him selfe quite and clere of this murder, offering him selfe to defende any challenge therof wth his bodie by anie Scott, Englishmann, or Frenshe, or anie other what soever he be, so he be not a person infamed. I have not yet the copie of it, but I looke for it, and your hono' shall have it.

James Bawfoure mynded wth full determinacon to have hadd an Assiss for him in like maner, but nowe uppon I wote not what dowbte, is gladd to take better advisemēt.

Th' Erle of Lennox, as one of his owne men sayeth, was on the way cōming to the Assiss, till he mett wth a message from the Quene, that he shuld not come to the Court wth above vi in nomber, whereuppon he returned.

Yesterday beganne the Parliamēt, in the w^{ch} it is thought shall be little matter more treated then the restoring Hunteley, and Sutherland, and the advauncemēt of Bodwell to the dukedom of Rossay.—Tomorrowe or uppon Fryday it is thought the Quene goeth in person to the Parliament.

Touching Ireland I can yet lerne nothing more then that there are certeine of Aneales men, three or iiij or thereabowts, w^{ch} nowe lie at Kingcorne in Scotland, intending to embarke for Flaunders, pretending some matter wth King of Spayne nowe at his coming thither. Oconer in Scotland hath sent me a cople of letters w^{ch} Aneale wrote unto the French King, and Cardinall of Loreine, and I send them herewth.

Touching the aunswere of the Scottishe Quene I send her letter herewth, w^{ch} was the cause of my silence. The messenger could not have his dispatch sooner then yesterday at 11 of the clocke, and to importune it other then like a beggar at the gate was not tollerable, for further recourse he could not have in to the Court, then to the gate, w^{ch} was moore woondred at of all sortes both noble and gentlemen, then he therewth was greved. Le Crocque sayd he would tell the Quene thereof, and Ledington desired him to take it in good part, it was not in him to remedy.

All the Court nowe weareth the dole, w^{ch} they did not before Le Crocq came.

The Lord of Skirling, or Trebrown, shall have the office of comptroller of the Queenes howse.

Th' Erle of Lenox being at Starling of late, sawe the prince, in the presence of the Erle of Marre, whome he requested, as he hadd allwayes been faythfull to the Crowne, so he would, in this chardge, have most earnest regard thereunto.

Thus having nothing further to troble your hono' I humbly take my leave.—From Berwick this xvth of Aprill 1567.

WM. DRURY.

No. II.—*Of the several Grants, which were said to be made, by the Scottish Queen, to James, Earl Bothwell.*

THE calumniators of the Queen of Scots talk largely of her loading Bothwell with marks of her bounty, by conferring on him extensive estates, and important offices.^a Robertson says, that in the Parliament of April 1567, the Queen granted Bothwell a ratification of all the vast possessions, and honours, *which she had conferred upon him.*^b It ought to have been said, that the Parliament granted a ratification of his estates, and honours, which had descended to him, from his father, and grandfather, except the office of Keeper of the castle of Dunbar, and the castlewards to the same belonging.^c The ratifica-

^a Robertson's *Hist.* i. 382; Laing's *Dissertation*, i. 12-13, &c.

^b *Dissertation*, 173, and *Hist.* i. 248; and Laing makes the same assertion, in rather stronger terms, in his *Dissert.* 73; and in p. 13, that the Queen had given to Bothwell the office of Lord High Admiral. As a lawyer, Laing might have seen, in Sir James Stuart's *Answer to Dirleton's Doubts*, that this office had been granted *hereditarily*, to Earl Adam, in 1511: I will not charge those writers with stating deliberate falsehood; but, I will say, that they had done well, to have learned, distinctly, what they asserted; when they were to calumniate a woman, and criminate a Queen.

^c *Acta Parl.* ii. 550-1. *Privy Seal Reg.* xxxv. fol. 14. On the 1st of March 1566-7, Bothwell had a grant, for the good services done to the Queen-mother, and to the Queen, of all the casualties of ward, &c. due by his father, and himself, whereof no account had been made, by them, or their

tion, which was granted to Bothwell, by this healing Parliament, in April 1567, was only one, among a hundred others, particularly to Murray, and Morton, and to their friends. But, such were the prejudices of Robertson, and Laing, that they did not comprehend what was done, at that memorable Parliament.^d

2. The second head of calumnation arises, from the willing falsehood of Knox, concerning the Lieutenancy of the Borders: He tells us,^e “that on Bothwell’s return to Scotland, in 1565, during Murray’s rebellion, Bothwell was placed on *the Council*, and appointed Lieutenant of the Middle and West Marches.^f Upon the falsehood of Knox, Robertson and Laing built their own fabricks: Robertson tell us, “Bothwell was, in 1566, Lieutenant or *Warden*, of all the Marches, an office among the most important, in the kingdom; and though, usually, divided into three distinct governments, bestowed, by the Queen’s

deputies, in the Queen’s checker. [*Privy Seal Reg.* xxxvi. fol. 24.] Robertson, and Laing, who did not search the records for facts, seem not to have known of this grant of casualties to Bothwell.

^d See a list of the Acts of Parliament, which were then passed, in Keith 379-80, and the printed *Parl. Record*. 752.

^e *Hist.* 385.

^f Keith, 187, has transcribed, from the Privy Council Register, of the 6th of September 1561, the appointment of Bothwell, as a Privy Counsellor, on the Queen’s arrival from France, when her bastard brother, the Lord James, was appointed chief minister; and when James Earl of Bothwell was placed the fourth, on the list of Privy Counsellors, under the ministry of the Lord James, as Mar, or Murray.

favour, upon him alone.^g So, Laing says, *that in addition to the Wardenship* of the three Marches, till then conferred upon separate persons, he was rewarded, with the office of Lieutenant.^h It is not true, that Bothwell was ever made *Warden of the Marches*; at that time, Lord Hume was Warden of the East Marches; Kerr of Cessford of the Middle Marche; and Sir John Maxwell of the West: The office, which Bothwell held, was *Lieutenant* of the Marches, an office, that had never been held, by three persons: To this office, James Earl Bothwell was first appointed, in 1559, when the queen-mother was almost overpowered, by the insurgents: And, he was again appointed, when the Queen was occupied, with the rebellion of Murray, her minion, and when Bothwell's services were wanted, and several other Lieutenants were appointed, in different districts: It was at the time, when Morton led her army, Northward, when he ought to have pursued to the Southward; and when Secretary Maitland remained about her person, to betray her counsels; as we know, from Randolph.

3. The *third* head of Calumniation is the grant of the Abbeyes to Bothwell: Knox, or his continuator, assures us that, (after the death of Rizzio) the Queen gave Bothwell the Abbeyes of Melros, Haddington, and Newbottle, and also the castle of Dunbar, with the principal lands of the Earldom of March, which were the patrimony of the Crown.ⁱ This mass of misrepresentation, Laing amplifies in the following manner:^k “On the assassination of

^g *Hist.* i. 228.

^h *Dissert.* i. 13.

ⁱ *Hist of the Ref.* 296.

^k *Dissert.* 13: The authorities quoted by him are, Knox,

Rizzio, Bothwell acquired, by his successful services, the most unbounded influence over the mind of the Queen: In addition to the Wardenship of the Three Marches, till then conferred upon separate persons, he was rewarded with *the office of Lord High Admiral*, the Abbeys of Melros, and Haddington, and the Castle and Lordship of Dunbar, together with an extensive grant of the Crown demesnes." What egregious misrepresentation! The continuator of Knox, merely, states the grant of the three Abbeys of Melros, Haddington, and Newbottle. Now; of Melros, first: Bothwell never obtained this Abbey, from the Queen; and could not obtain it; as it was held for life, by Michael Balfour, the Commendator, who held it till his death, in 1569. The administration had rather been taken from Bothwell, by the Queen's minion, soon after her return, in August 1561. Bothwell, when acting, strenuously, on the Borders, as Lieutenant, for the regent Queen, appears to have obtained, from her, the administration of the vacant Abbey, which he held till the Queen's return: It was then taken from him, and given to his rival, Arran, by his enemy, the Queen's minion.¹ When Arran lost his senses, in 1562, the

296; Anderson, i. 96; Melvil, 69: But, in Melvil, there is not a word of these grants: In Anderson, there is not a syllable of these grants, but he says, that he had his great offices *hereditarily*: Even in Knox's *Continuation*, which Laing quotes, and stigmatizes, by turns, there is not a word of the grant of the office of Lord High Admiral, nor of the grant of the demesnes of the Crown. Much of Laing's misrepresentation is copied into the last Peerage, article, *Bothwell*. Thus is calumny propagated!

¹ Keith, 196-202, and Randolph's letter to Cecil, 11th November 1561.

Abbey of Melros was granted for life to Michael Balfour, who probably obtained this Commendatorship, by the influence of Maitland, who partook of the profits.^a We thus see, how the records, which contain the facts, overthrow the misstatements of the historians, and at the same time, expose the avaricious villainy of the reformed nobles.

2. The second Abbey laid to the charge of Bothwell was that of Haddington, which, with its lands, lay in the midst of his domains: His progenitors had, by established usage, enjoyed the right of presenting a Prioress, when death made a vacancy. According to the established custom, Earl Patrick presented to this Abbey his kinswoman, Elizabeth Hepburn, who was Prioress, at the epoch of the Reformation. In 1560, and in 1561, Earl James applied to Mary, both in France, and in Scotland, after her return; stating the rights of his pro-

^a *Privy Seal Reg.* xxxii. fol. 56; *Ib.* xxxiii. 73. And Balfour was, moreover, saddled with a yearly pension of 500 marks, out of the revenues of Melros, to the Earl of Glencairn, who was called the *good earl*, for his zeal in destroying churches: the *good earl* having followed the *good Earl* of Murray into rebellion, was denounced a rebel; and Bothwell for his services in crushing the traitorous crimes of the *good earls*, obtained, in December 1565, a grant of the escheat of Glencairn's pension. *Ib.* xxxiv. fol. 24. This grant was, however, rendered nugatory, by the pardon of Glencairn, by Murray's influence, 19th March 1565-6. When Balfour died, in 1569, the Regent Murray granted this Abbey to his nephew, James Douglas, the second son, who was then a boy, of William Douglas of Lochleven. *Privy Seal Reg.* xxxviii. fol. 77.

genitors, and claiming the disposition of this Abbey, when it should become vacant; as being "the native room, and kindly possession of his family:" And to this pretension, the Queen assented. But, in 1563, when Bothwell was in distress, Secretary Maitland obtained a grant of *fee firm*, from Elizabeth, the Prioress, of all the lands, belonging to her Abbey: And this grant was confirmed to him, by a charter, under the Great Seal, in December 1564.^a After the death of the Prioress, the Queen, in December 1563, gave her Secretary a grant of the profits of this Abbey, of which his father, Sir Richard, and his brother, John, were appointed the Stewards, until the appointment of a Prioress.^c Under this grant, Secretary Maitland enjoyed the profits, until March 1565-6, when he engaged in the conspiracy against Rizzio; and was thereupon obliged to abscond. Bothwell now seized so favourable an occasion, to renew the claims of his family to the patronage of this Abbey, whereof he had been deprived, by the artifices of Secretary Maitland, even in opposition to the Queen's engagement: And, upon this representation, the King, and Queen, on the 9th of March 1565-6, appointed Dame Isabel Hepburn the Prioress of Haddington Abbey, during her life.^p But, the Abbey, which was despoiled of its lands, was of little value; and the new Prioress, only, enjoyed some annuities, and tithes. The lands of this Abbey were held, by Secretary Maitland, till his forfeiture, in 1571, when they were given, by the regent Lennox, to Lord Lindsay, and other partizans. The foregoing representations exhibit a genuine picture of what occurred, in almost every dis-

^a *Privy Seal Reg.* xxxii. fol. 128.

^c *Ib.* 18.

^p *Ib.* xxxiv. 55.

trict of a distracted country: There were two, or more pretenders to every casualty of the Crown, which, on every occasion, was by them solicited; and when the Queen determined the matter, in favour of one of the claimants, the one became ungrateful, and the other discontented.

3. The third charge against Bothwell for monopolizing Abbeys, was that of Newbottle: But, the charge, in this case, was more groundless, than the other two: In 1546, Mark Kerr the second son of Andrew Kerr of Cessford, was appointed Commendator of Newbottle, during life: He enjoyed it till his death, in 1584, when it went to his eldest son, Mark, under a grant of the Queen, in 1567, to succeed his father, as Commendator. This charge then, as Bothwell never had, or pretended to have, any interest, shows a strange passion, for calumny, in those, who make, or repeat such groundless charges.

But, what were the calumnies of Buchanan and Knox, of Robertson and Laing, to the incessant endeavours of Secretary Cecil, to disgrace, and degrade the Scottish Queen, by the basest calumniations! In November 1573, he sent a series of questions to be answered, by Morton:¹ The last series of questions was the value of the grants, by the Scottish Queen to the Earl of Bothwell: To which Morton made the following answers:

1. Bothwell having spent his whole estate, at his return, from France, in 1565, was first made Lieutenant-general over all the Borders.

¹ Calig. C. 10. fol. 114; M. Crawford's Col. in the Adv. Lib. Edin. iv. w. 2. 23.

2. He had the Abbey of Melros, which was better than 5000*l.* Scots, before his intronisation therewith.

3. He had the Abbey of Haddington, worth 1000*l.* Scots.

4. He had the Castle, and Lordship of Dunbar, worth 2000 marks a year.

5. He was made Captain of Edinburgh-castle, with a yearly allowance of 1000*l.* Scots.

6. He was made Duke of Orkney, and Lord of Shetland, being the property of the Crown, worth 10,000 marks.

7. *He should have had* the superiority of Leith, and *feu* of the Canongate, beside, Edinburgh; to be more able to make a party, in the town of Edinburgh.

8. He had delivered to him of the Queen's jewels to the value of 20, or 30,000 crowns."

It may be observed, as a general remark on the foregoing statement, that the assertion, or the affidavit, of such a miscreant, as the Earl of Morton, who was devoid of principle, and faithless by habit, was unworthy of any credit. It is not true, that Bothwell had spent his estates, before his return from France, in 1565; as we see him in possession of his Castles, and Estates, till his expulsion from Scotland. (1) The Lieutenantcy of the Borders was not granted to him, either at the time, or on the occasion, that Morton asserts. (2) We have already seen, that Bothwell did not obtain the Abbey of Melros, after his return to Scotland. (3) Of the Abbey of Haddington; how little he obtained, compared with the acquisition of Secretary Maitland, we have already seen. (4) Of the Castle of Dunbar, he was, merely, appointed

Keeper, with the benefit of the Castlewards, or lands, which were appropriated for its support. (5) Whether Bothwell ever was made Captain of Edinburgh castle may well be doubted, as an assertion, without proof, and contrary to proof. On the 19th of March 1566-7, the Earl of Mar obtained, from the Queen, and Council, a discharge of his trust, in keeping the Castle of Edinburgh, which had been in the possession of him, and his father, John, Lord Erskine, since April 1554; and that discharge was ratified, by the Parliament of April 1567.¹ On the 21st of March, the Castle of Edinburgh was rendered to Cockburn of Skirling, at the Queen's command; as we learn, from Birrel's *Diary*. It is in vain for writers to assert, that Bothwell was appointed the Captain of Edinburgh-castle, when nothing can be found, either in the Privy Seal, or Privy Council, Registers, as to such an appointment: The presumption is, that no such appointment ever took place; since there is nothing, on the subject, in the Records: And, the fact seems to have been, that Cockburn of Skirling retained possession of his charge till the 1st of June 1567, when he was appointed Comptroller, in the room of Murray of Tullybaradin, who was dismissed.² And Sir James Balfour was

¹ *Acta Parl.* 547. Robertson says, that the Queen bestowed the government of the Castle of Edinburgh on Bothwell, the 19th of March. *Hist.* i. 244. He quotes Anderson, i. 40, and *Pref.* 64; Keith, 379: But, the authorities have no proof of what they say: They are authorities, without authority. Knox's Continuator assigns some day, before the 12th of April, as the time of his appointment. *Hist. Ref* 405: But, he has no authority, for what he says.

² See the Treasurer's Accounts, for the fact, and the date.

hastily sent, to take charge of the Castle, at that critical moment: as there is nothing in the Records of his appointment to such a trust.¹ It is an important, and curious fact, that there does not appear, in the Treasurer's

See the Wardrobe Accounts of Queen Mary, printed under the direction of the King's Record Commissioners, which are decisive on this head: (1) The Queen's discharge to Lord Erskine, when he resigned the command of the Castle; (2) Sir James Cockburn's receipt, for receiving the Castle, from Lord Erskine's Commissioners, by command of the Queen, on the 21st of March 1566-7, which corresponds, exactly, with what Birrel said: On the 21st of March 1566-7, the Castle of Edinburgh was rendered to Cockburn of Skirling, at the Queen's command. [*Diary*, 7.] When the Earl of Morton stated to Secretary Cecil, that Bothwell was made Captain of Edinburgh-castle, with a yearly salary of 1000*l.* Scots, he only stated a deliberate falsehood.

¹ Goodall, in his Account of Balfour, p. iii. says; "*In the beginning of the year 1567, he was made Governor, or Deputy Governor, under James E. Bothwell:*" But, for this loose assertion, he has no proof. It could not be *before* the 19th of March; as it was, only, on that day, that the Earl of Mar resigned the same charge: And on the 21st of the same March, the Castle was resigned to Cockburn of Skirling, by the Queen's command. Birrel. Spottiswoode, 201, says, Bothwell and Balfour, obtained the Castle on the resignation of Mar: But, Birrel's Notice, and the Record, over-rule both. The same Record evinces, indeed, that Sir James Balfour, by the Queen's command, was appointed to receive, from Lord Erskine's Commissioners, the *Ordnancc stores, within the Castle*, according to the inventory thereof; which he did, on the 20th of March 1566-7, the day before Cockburn took possession. *Rec.* 165.

Accounts, any charge of materials furnished, or one penny of money paid, or jewels delivered, to Bothwell, either before, or after his marriage, with the Queen: This fact evinces, that the assertion of Morton, like his interception of the boxful of love-letters, of 30,000 crowns worth of the crown-jewels being delivered to Bothwell, was a deliberate falsehood, for the obvious purpose of calumnious deception, by a miscreant, who was very capable of asserting any lie, or committing any villainy.*

In arguing such questions, concerning Bothwell, we must always distinguish, between the period of his independence, *before* he was drawn into Murray's conspiracy; and the period *after* he became a conspirator with Murray, Morton, and Maitland, for the death of Darnley.

During the first period, Bothwell acquired, by descent from his father, and grandfather, the offices of Lord High Admiral of Scotland, of High Sheriff of the shires of Berwick, Haddington, and Edinburgh, and Baillie of Lauderdale. He was appointed, by the two Queens, in succession, their Lieutenant of the Borders. He was appointed, by Queen Mary, Keeper of Dunbar-castle, with the benefit of the Castle-wards; but, not of Edinburgh-castle. How little he acquired, from the three

* The Queen's jewels fell into the hands of those, who de-throned her, and usurped her government. And, the subsequent disposal of them presses hard upon the memory of Morton, and of Murray, who both had an interest, in asserting the falsehood of so large a portion of them having been delivered to Bothwell. On the 2d of October 1568, Queen Elizabeth wrote to Murray, forbidding him to sell any of the Queen of Scots' jewels. [Cecil's *Diary*, Murdin, 765.]

Abbeys of Melros, Haddington, and Newbottle, we have just seen.

(2) What did he obtain, during the second period? The superiority of Leith, on the 15th of February, about which Robertson declaims. [*Hist.* ii. 334-5.] The chief conspirators did not contest with him, this grant; because they knew how soon his fate would annihilate his fortunes. The Queen, says Robertson, gave Bothwell the honour of carrying the sword before her, at the opening the parliament. But, may not Morton, and Maitland, have put the sword into his hand? She made him Duke of Orkney, in prospect of her enforced marriage. She still retained her affection, for Bothwell, after she had lost him. But, it may be asked, if ever she had any affection for him. Force, and affection, stand opposed to each other. Murray's Parliament of December 1567, decided, that she had been coerced to marry Bothwell; and for this treason, the Parliament attainted him, which is a higher authority than Buchanan and Knox, Robertson and Laing! After Bothwell had become a conspirator, at Michaelmas 1566, he was allowed, by Murray, and the other conspirators, to assume great state, and considerable rule: But, the moment, they withdrew their support, his power, though married to the Queen, shrunk up into nothing. This circumstance demonstrates, that Bothwell's influence over the Queen, when compared with the predominance of Murray, and his faction, was a mere quintessence even from nothingness. He thus obtained the baronies of Hailes, and Crichton, &c.

No. III.—*Of the Ascendency of Earl Bothwell over the Scottish Queen, with a view to her Marriage of him.*

1. Mary became a widow, on the 10th of February 1566-7, when her husband, Darnley, was assassinated, by a conspiracy of nobles : The State Papers prove, that such a conspiracy existed ; the Statute Book of Scotland contains the convictions of Morton, Bothwell, and Maitland, the conspirators, who executed that odious murder. The epoch of that conspiracy was the 1st of October 1566 : But, such a conspiracy could not have existed, without the knowledge, and concurrence of Murray, who was all-powerful, not more, for his personal influence over the Queen's spirit, as for the number, and weight, of his partizans : He acknowledges, in his answer to Huntley, and Argyle, that he had then become reconciled to Bothwell : From that time, Bothwell acted more with Murray, than with Mary. Morton was, at the same time, let into the secret, by Maitland, who durst not have corresponded with Morton, who was then expatriated, in England, on such a subject, without the knowledge of Murray. Morton, thus previously informed of the plot against Darnley, had scarcely arrived from England, at Whittingham, when he was met, there, by Bothwell, and Maitland, about the 20th of January 1566-7, for concerting, with that notorious plotter, the death of Darnley, whom they all abhorred : The State Papers evince both the meeting of the conspirators, and the guilty object of their barbarous purpose. When the murder was to be committed, Murray retired, from Edinburgh, the criminal scene, into Fife, the fosterdam of so many plots. From all those proofs, it is quite ap-

parent, that Bothwell acted, merely, as one of a conspiracy.

2dly. Yet, rumour included Murray, as one of the deed-doers, with Bothwell, and others. Murray again retired, from Edinburgh, to London, and Paris, three days before the trial of Bothwell, for that deed of villainy. On the 12th of April 1567, was he tried, and acquitted, by a court, composed, chiefly, of Murray's partizans; Morton, and Maitland, the agents of Murray, standing, by him, on either side, and directing his defence. Morton, and Maitland, went some steps further, in execution of their concert with Murray, as two fundamental points of the conspiracy still remained to be done, by Bothwell's agency; the marriage of the Queen, and her consequent dethronement. They obtained a written declaration, from many peers, and prelates, asserting the innocence of Bothwell, and his fitness, for a husband to the widowed Queen, though Bothwell was already married. This document remains, the disgrace of those, who signed it, with Morton's signature, who dared do more than man, in acquitting Bothwell, to day, and impeaching him, on the morrow.

3dly. Emboldened by this declaration, Bothwell marched out of Edinburgh, at the head of a thousand horsemen; and arrested the Queen's person; carried her, forcibly, on the same day, to his Castle of Dunbar; and therein coerced her, to agree to marry him. Maitland, acting as Murray's agent, went with them to Dunbar-castle, not to give *good*, so much as *bad* advice to the imprisoned Queen.*

* The Privy Council, at the head of which was *Morton*,

After seeing the facts, which were stated by the Privy Council, in July 1567, and the Act of Forfeiture, in December 1567, can it be made a question, among reasonable men, or considerate women, what motive induced the Queen to marry Bothwell, whether the love, or the violence, of Bothwell? As those facts must be true, which are proved by the Act of Privy Council, and the Statute of Forfeiture, it must be equally certain, that neither love, nor ascendancy, produced that fatal event, but artifices, and force. In after-times, the unfortunate Queen complained, with tears in her eyes, that while she

acting for the absent *Murray*, on the 21st of July 1567, declared that "Bothwell ravished the Queen's person, led her captive to Dunbar, and constrained her, being in his bondage and thralldom, to contract such an ungodly, and pretended, marriage with him, such as neither God's law, nor man's law, could permit." [Anderson's *Col.* i. 142.] The Act of Parliament, forfeiting Bothwell, states the same facts, as the grounds of his attainder: 1. That he had, treasonably, arrested the Queen's person; 2. that he had carried her, forcibly, to Dunbar-castle; 3. that he had therein constrained the Queen, to consent to marry him. [*Acta Parl.* iii. 5-10.] A copy of this Act was carried up to England, by *Murray*, to prove the guilt of Mary; yet, by collation with the genuine Act, we see, that it was vitiated, on that occasion, by *McGill*, the Clerk Register, who acted, corruptly, with *Murray*. This Act, owing to whatever knavery, was *not* published, by the same *McGill*, among the Acts of that Session, which were printed by *Lekpreuik*, on the 6th of April 1568. When *Skene*, in 1597, published his edition of the Scottish Statutes, he appears, plainly, not to have known, that such an Act of Forfeiture ever existed!

was suffering under the bondage, and coercion, of Bothwell, not a sword was drawn, for her relief; but, the moment that she had submitted to necessity, ten thousand swords leap'd from their scabbards, to undo what could not be undone.⁷ Such, then, were the avowed motives of the insurgents, with Morton at their head. Three days after, the Queen being with her army, on Carberry-hill, voluntarily surrendered herself to Grange, the officer, who was sent by the insurgents, saying, "I surrender myself to you, upon the conditions, you have rehearsed to me, in the name of the Lords." She then went over to the Lords; leaving Bothwell on the field, who was allowed, by the insurgents, to depart quietly, and without pursuit. On the 16th of June, the Queen was committed to Lochleven castle. This, then, was the last scene of the tragedy; wherein the King lost his life, and the Queen her diadem: But, it is quite apparent, that there was only *one conspiracy*, consisting

⁷ The first proclamation of the insurgents of the 11th of June 1567, recites, that the Queen being detained in captivity, by Bothwell, and thereby being unable to govern, or to try the murderers of the late King: They had taken arms, for delivering the Queen, for preserving the prince, and for trying the King's murderers. The insurgents, when they entered Edinburgh, on the 12th of June, issued a second proclamation; avowing as their motives, that Bothwell had laid violent hands on the Queen's person, and shut her up, in Dunbar-castle, and compelled her to a dishonest marriage: They, therefore, took up arms, for delivering the Queen's person, for taking revenge on Bothwell, as he had ravished, and detained, the Queen.

of several acts, or parts; whereof Morton, from his return to Whittingham, was the constant leader, though Murray was the chief, and Bothwell the *cat's-paw*. As Morton was the leader, who protected Bothwell, at his acquittal; and obtained for him the declaration of the peers, and prelates; so was Morton the leader of the same faction, who murdered the King, who enabled, and encouraged Bothwell, to arrest the Queen, and to constrain her to marry Bothwell, on the 15th of May; so was Morton the leader of the same insurgents, who, on the 11th and 12th of June, by two proclamations, avowed the causes of their arming, and rising, to be, that Bothwell detained the Queen's person, and made a dishonest marriage with her; and that they intended to deliver her, from Bothwell, whom they meant to punish: Yet, on the 15th of June, the same insurgents, with Morton at their head, allowed Bothwell to depart quietly; made the Queen a captive, who surrendered herself, on their own conditions; and, contrary to their own conditions, committed her to Lochleven-castle. In all this, there is abundant evidence of the artifice, and insidiousness of Morton, and his insurgents; but, what proof is there of the ascendancy of Bothwell over the Queen? There is none: Yet, was she, by matchless villainy, involved in Bothwell's baseness, without a crime, and deprived of her crown, and liberty, by Morton's profligacy, for Murray's benefit.

The whole of the foregoing proofs evince a very different proposition, from positive evidence, of Bothwell's ascendancy. The Queen knew him, his history, and his character; and, if we may believe Randolph's correspondence, in 1565, she had special cause given her of

dislike. She knew, also, that he had married the Lady Jane Gordon, only, on the 22d of February 1565-6.

The epoch of Bothwell's ascendancy over the Scottish Queen, is fixed, by Dr. Robertson, at the 5th of April, 1566, when the Privy Council advised her, after such a scene, as Rizzio's murder, in her closet, to retire into the Castle of Edinburgh, to wait, in safety, and quiet, the time of her accouchement.* Now; the only three men, of any consequence, who were allowed to remain with her in the castle, were Darnley, her husband, and Argyle, and Murray, her two brothers-in-law, as we learn from Randolph's dispatches to Cecil. Huntley, the Chancellor, and Bothwell, the Admiral, desired leave, to lodge, also, in the castle, but, were, peremptorily, refused; as we know from the same Dispatches. But, by whose advice, and ascendancy, was this refusal given? By Murray's; as we know, moreover, from Randolph: It would have been quite inconsistent with Murray's corrupt views to have admitted Huntley, and Bothwell, to lodge, in that stronghold; as it would have disappointed his designs on the possession of it, in case of her expected demise. And, Bothwell was, by the same influence, soon after, sent to the English Borders, on the pretence of watching Morton, but with the real design of sending him out of the way. Where, then, was Bothwell's ascendancy over the Queen, at that epoch of its origin? The answer must be, that it did *not* exist.

But, to obtain a complete view of those topicks of charge against the Scottish Queen; and of Bothwell's conduct, from that epoch of crimination; we must enquire: 1.

* Keith, 335; Robertson, i. 380.

How Bothwell acted, before he became a conspirator with Murray's faction ; 2 How Bothwell acted, as a conspirator with Murray. 3. How he acted, as a paramour with Mary.

1. As to the first point : Bothwell was all his life opposed, and maligned, by the English faction, in Scotland, which as it regarded him, was the same as Murray's faction : Bothwell, and Maitland, were, always, personal enemies ; having a constant competition, for the same object, in the casualties of the Crown, within the Southern shires, where their several interests lay. Bothwell returned, from France, to Scotland, in 1565, during Murray's rebellion ; and he joined the Queen, who obliged Murray to seek refuge, in England. When Rizzio was murdered, for Murray's restoration, at the Queen's personal risque, Bothwell, with other nobles, joined her, at Dunbar ; and aided her, in returning to Edinburgh. The only promotion, which Bothwell received, in the nature of reward, on those occasions, was the appointment of Keeper of Dunbar-castle, with a grant of the Castlewards, on the 24th of March 1565-6 :^a After the Queen's restoration, upon the flight of Morton, and his coadjutors, in assassination, Bothwell continued to act, in opposition to Murray ; and Murray, in opposition to Bothwell. But, Murray had the Queen's ear ; and excluded Bothwell, from the Castle of Edinburgh ; as we have seen. Murray, then, and not Bothwell, had the ascendancy over the Queen, in the months of April and May, June, and July, 1566, whatever Robertson may, from system, assert. At the beginning of

^a *Privy Seal Reg.* xxxv. 14.

the subsequent month, when the Queen had retired to Alloa, Murray solicited the restoration of Secretary Maitland, which was opposed, by Bothwell, who hated the Secretary ; and an altercation ensued, in the Queen's presence : Yet, Murray's influence prevailed ; as the influence of Bothwell was infinitely inferior to Murray's ; whatever Robertson may suppose.^b

2. But, a great change was at hand. When the nobles could no longer endure the absurd conduct of Darnley, whom they proscribed, as intolerable, Murray conciliated Bothwell, who hated Darnley, and was hated, by him.^c This then, is the true epoch of the conspiracy against Darnley, who was then condemned to the bowstring ; and when every body was to be conciliated, in order to form a wider concert against the King's safety. During the following months of October and November, Murray completely gained Bothwell to his faction, and views, while Robertson supposes Bothwell to have gained an ascendancy over the Queen. From the moment, that Bothwell, became attached to Murray's faction, he assumed what he was allowed, by that faction, a higher port in life, and a greater ascendancy, in the state : And this assumption of arrogance, which was tolerated, by Murray, imposed upon the world, as if Bothwell had

^b Robertson's *Hist.* App. 435-6.

^c Murray himself says, in his answer to the Protestation of Argyle, and Huntley, " that at the beginning of October 1566, he had subscribed a bond, with Huntley, Argyle, and Bothwell, which was devised, in sign of reconciliation, in respect of former grudges, and displeasures, that had been among us." Goodall, ii. 322.

acquired an ascendancy over the Queen, when he had only obtained the stately port of a conspirator with the ambitious Murray.

It was during this period, when the Justice Ayres were held, at Jedburgh, that Bothwell was wounded, by Elliot, in Hermitage-castle ; that the Queen visited her lieutenant, at the same castle ; that she was taken ill of a dangerous sickness ; that she made a progress, when those courts had ceased, along the Tweed to Berwick ; thence along the Forth to Dunbar-castle ; and thence, after a few days of rest, and of business, removed to Craigmillar-castle, with her court, and ministers, and with Bothwell, the High Sheriff of the shires, through which she had passed : The State Papers evince, that in the same period, Murray conciliated Bothwell, for his own interest ; and that Bothwell enjoyed the facilities and importance, arising from the favour of Murray, who was by far the most powerful person, then in Scotland, not even excepting the Queen's majesty. But Bothwell's concert with Murray was, equally, a conspiracy against the Queen, whose fate was involved, in that of her husband. It was, in Craigmillar-castle, after the Queen's return, from that progress, at the end of November 1566, that Maitland, in the presence of Murray, of Huntley, Argyle, and Bothwell, opened to the Queen the project, for separating her from Darnley, by a divorce if she would pardon Morton, and his friends. The Queen, at first, hesitated ; but, finally, refused to be divorced from her husband. On that occasion, Bothwell answered the Queen's objections, by saying, " that he doubted not, but the divorcement might be made, without prejudice, in any wise, to my lord the prince ; alleging the example of himself, that he succeeded to his father's heritage,

age, without any difficulty, although there had been a divorce, between him, and his mother."^d This interposition of Bothwell, and his obvious zeal, for the divorce of the Queen from Darnley, evince, that Bothwell had been now completely gained over to Murray's faction ; and entered, with intelligence, and energy, into Murray's various views of murdering Darnley, and giving the widowed Queen to Bothwell. When the Earls of Bedford, and Murray, and other nobles, solicited the Queen, for the pardon of Morton, and his associates, Bothwell, heartily, concurred, in favour of Morton.^e As there never had been any friendship, between Morton, and Bothwell, this concurrence of Bothwell proves, that he was acting on that occasion, in concert with Murray against the King, and Queen, upon a settled plan. About the 20th of January 1566-7, Bothwell with Secretary Maitland, visited Morton, at Whittingham, soon after his return from England, in consequence of his pardon :^f From Douglas's letter, and Morton's confession, we clearly know the object of that visit, to have been the solicitation of Morton's concurrence, in the project, which since the

^d Goodall, ii. 319.

^e We know that fact, from the information of Bedford to Cecil : Robertson, mistakingly, says, that *Bothwell's influence alone* obtained Morton's pardon : But, Elizabeth, on that occasion, was herself a host.

^f This very important fact, of which Robertson seems not to have been aware, is proved, by Drury's information to Cecil ; by Douglas's letter, in Robertson's *App.* ii. 528. No. xiv. ; and by Morton's Confession, in Bannatyne's *Journal* : This fact demonstrates a conspiracy of three persons, for committing a treason.

1st of the preceding October, as Morton knew, had been, in the contemplation of Murray's faction, to take off Darnley : These three *complotters*, Bothwell, Maitland, and Morton, were all convicted of the Murder of Darnley.³ Bothwell agreed to be the active person, in taking the life of Darnley ; Murray's faction giving him assurances, in writing, that they would protect him ; that he should have the widowed Queen, in reward ; and that they would defend his innocence, and his marriage.⁴ Bothwell, with others, did murder Darnley ; he was accused by Lennox ; he was ordered to be tried, on the 12th of April 1567 ; he was tried, and acquitted, by judges, and jurors, consisting of Murray's faction ; and Morton, and Maitland, stood by him, in court, and arranged his defence.¹ A few days after, the same Morton, and Maitland, influenced a number of peers, and pre-

³ The records of their convictions evince the fact ; and the convictions demonstrate a conspiracy. *Acta Parl.* iii. 5-10-58, 137, 227. Sir Lewis Stewart's *MS. Collections*. The previous conspiracy, and the subsequent convictions, prove the Queen's innocence of any foreknowledge of Darnley's death.

⁴ Bishop Lesley's *Defence*, 1569, p. 43-44-45 ; Keith, ch. xi. for the documents, and circumstances, which prove those facts ; and Jebb, i. 460-62-68-72-528, to the same points : The result of what they did, in fact, is the best proof of what they engaged to do.

¹ Camden asserts those facts ; Belleforest, the author of "*Innocence de Marie Reine d'Escosse*," concurs in the same facts ; and Drury's letter to Cecil, from Berwick, on the 15th April 1567, three days after the trial, corresponds with both.

lates, to declare Bothwell innocent ; to recommend him, by a writing under their subscriptions, to the Queen, as the fittest husband ; and engaged, by the same writing, to defend his innocence, and his marriage.^j Thus strengthened, and encouraged, Bothwell on the 24th of April, four days after the true date of that recommendatory writing, marched out of Edinburgh, at the head of a thousand horsemen ; arrested the Queen, at the Foulbrigs : forcibly carried her to Dunbar-castle ; and there, by violence, enforced her assent to marry him. The Parliament of December 1567, found, and adjudged Bothwell, not only to be guilty of the treasonable murder of Darnley, but of the forcible arresting of the Queen, and carrying her to Dunbar-castle ; and there, compelling her, by violence, to assent to marry him :^k After

^j See that infamous writing, in Keith, 381-2. Such was the temper of those times, that nothing could happen, without some falsehood, or forgery, being annexed to it : On that occasion, there was a writing forged, with the usual facility of Maitland, signifying the Queen's consent ; that the lords should subscribe the recommendation of Bothwell ; but, the absurdity of this paper evinces its forgery. [Whitaker's *Vind.* ii. 370-1.] Morton signed the recommendation ; and nothing could have induced such an audacious man to do so, but his engagement to Murray, to execute the whole plan of the conspiracy, which required, as an essential point, that the Queen should marry Bothwell, without which they could not accomplish her dethronement. The Queen's own account of that transaction proves the forgery of what may be called the Queen's defeasance to the nobles, for signing the recommendation.

^k *Acta Parliament.* iii. 5-10.

that consent thus obtained, Bothwell brought the Queen to Edinburgh, who, like other Kings, and Queens, that are obliged to perform what they cannot refuse, submitted with the best grace, to what was thus forced upon her. Bothwell, by two several courts, the Papist, and the Protestant, was divorced, on the 5th of May, from his legitimate wife. The Queen avowed her purpose to marry him; the banns were proclaimed;¹ a formal contract, for that end was entered into;^m and on the 15th of May, 1567 the Queen, and Bothwell, were publicly married, in the hall of the palace, after sermon, by the Bishop of Orkney;ⁿ and again in the chapel of Holyrood, according to the Popish ritual. The marriage was thus legal, and obviously voluntary, though her assent arose out of secret coercion, and imprisoned violence. Thus much, then, with regard to Bothwell's conduct towards the Queen, as a *conspirator*, and one of Murray's faction!

3. Let us now inquire, how Bothwell acted towards the Queen, as a *paramour*, with a view to *her heart*, and *hand*.

(1) If the facts, which have been just stated, under several distinct heads, and ascertained, as so many truths, be just; then, Bothwell never acted, as a paramour, at all; and obtained, by the aid of Murray's faction, her hand, at least, by circumvention, and force: And so did

¹ Keith's *App.* 192.

^m See it in Goodall, ii. 61, with a dozen witnesses, consisting of prelates, nobles, and officers of state: It was recorded on the 14th of May, the day of its signature.

ⁿ Keith, 386.

the first Parliament of K. James, which was called by Murray, the Regent, and managed, by Morton, the Chancellor, find, and adjudge, upon solemn trial.^o (2dly) In a question of this gallant sort, it is important, to ascertain, when Earl Bothwell ceased to be a single man, which was on the 22d of February 1565-6. (3dly) It is of equal importance, to ascertain when, Bothwell was supposed to acquire considerable influence with the Queen ? It was the same epoch, as that of her retirement into Edinburgh-castle, by the avowed advice of the Privy Council, though by the secret suggestions of Murray. The only nobles, who were now allowed to lodge with her in the Castle, were her two brothers, Argyle, and Murray : Huntley, the Chancellor, and Bothwell, the hereditary Admiral, were refused to be admitted to the same privilege, though they asked for that accommodation.^p But, neither Keith, nor Robertson, had the least perception of the deep projects, which Cecil, and Randolph, on the one side, and Murray, and Morton, on the other, had formed, in contemplation of the Queen's miscarriage, perhaps, death from the accidents, that are incident to child-bed : Murray, by having the command of Edinburgh-castle, would have seized the crown, or the regency, according as the accident might have been ; and

^o *Acta Parliament.* iii. 5-10.

^p Randolph wrote Cecil, on the 7th of June 1566, " The " Earls of Argyle and Moray lodge in the Castle, and keep house together : The Earls of Huntley, and Bothwell, wished, also, to have lodged there, but were refused." Now ; does not this fact prove, how much more influence Moray, and Argyle, had, than Huntley, and Bothwell ?

Randolph was ordered to remain at Berwick, ready to repair to Edinburgh, for supporting Murray's interest, with Elizabeth's money, and Cecil's intrigue. But, Robertson was so blinded, by his conceits of love, and gallantry, that he had not the least conception of the deep speculation of those artful men. And, Bothwell had so little ascendancy, that he was soon after sent away to the Borders, as Lieutenant, on pretence of watching Morton, but, with the real design of having him out of the way, when such important events might happen. Thus idle was Robertson's system!

But, he is still more idle, when he adds, in his best manner: "Her gratitude loaded him with marks of her bounty; *she* raised *him* to offices of profit, and of trust; and transacted no matter of importance, without his advice."¹ As Mr. Laing asserts all those points, with

¹ *Hist.* i. 382; and he quotes Melvill's *Mem.* a very interpolated book, and Knox, a work still more interpolated, and false: In flat contradiction to Knox, Melvill, and Robertson, I assert, that *there is not one word of truth in what is said above.* The Queen never loaded Bothwell with marks of her bounty; she never raised him to *offices* of honour, and of trust; and Bothwell never was *her minion*, like Murray, who was the person, who was consulted, by her, even till his retirement to France. The fact is, that Bothwell enjoyed, by descent, from his father, the several offices of Lord High Admiral of Scotland, Sheriff principal of the three several shires of Berwick, Haddington, and Edinburgh, and Baillie of Lauderdale. To the *Lieutenancy* of the Borders, not the *Wardenship*, Bothwell was appointed, by the Regent-Queen, in 1559, when her government was nearly

amplifications, he is included with Robertson, in this clear refutation of the most absurd calumnies. If this advocate would have read Sir James Stewart's Answer to Dirlton's *Doubts*, he had learnt, that the admiralty of the whole kingdom had been granted, in 1511, by James IV. to Adam, Earl of Bothwell, the *grandfather* of the notorious James, Earl Bothwell. King James was born, on the 19th of June 1567; the Queen's month was up, on the 19th of July, when she was advised, as she had no wheel-carriage, to take a jaunt by water, to Alloa-

overpowered by Lord James Steuart, and his insurgents; and Bothwell was restored to the same lieutenantancy, during Murray's rebellion, in 1565; and it was on the 24th of March 1565-6, on Rizzio's assassination, for Murray's restoration, that Bothwell was appointed Keeper of the Castle of Dunbar, and had a grant of the Castle-wards to the same belonging; as we know from the *Privy Seal Record*, xxxv. Bothwell never was appointed Captain of the Castle of Edinburgh, as we may infer, from the silence of the records; and Cockburn of Skirling succeeded Lord Erskine, in March 1566-7; as we may learn from Birrel; and from a receipt in the Wardrobe accounnts: Sir James Balfour succeeded Cockburn, when he was appointed comptroller, in June 1567; so that there was no room, for Bothwell's appointment. Bothwell was, indeed, appointed of the Privy Council, on the 6th of September 1561, under the ministry of Murray. Keith, 187. The Queen, no doubt, consulted Bothwell, when she refused to let him lodge in the castle; and when she sent him out of the way to the borders, to watch Morton. The late peerage writer, in the article *Bothwell*, repeats the whole fictions, and impertinences, of Robertson, and Laing.

house, the hospitable seat of Lord Erskine; attended, by his lordship, by Murray, her minion, by Bothwell, her hereditary admiral, and by other courtiers, and ladies. Darnley, in his usual style of folly, would go by land.^r Speaking of this period, Robertson says, the Queen continued to treat Darnley, with *indifference and neglect*: 'The historian was so absurd, as to make Castelnau, the French Ambassador, "prevail on the King and Queen, to pass two nights together:" And, in this strain, he makes "Bothwell, all this while, the Queen's prime confident, without whose participation no business was concluded, and no favour bestowed." Murray never lost his influence over the Queen, when he was with her; and Bothwell never had much, when he was present, or absent. It was, at Alloa, that Secretary Maitland, was first admitted into the Queen's presence, since his participation, in Rizzio's murder, on the solici-

^r "On the 20th July, or thereby, Q. Mary fled the King's company, and passed, by boat, with the pirates, to Alloa, where the King coming was repulsed." Anderson's *Col.* ii. 269. This is Buchanan, and Murray's *forged journal*. The King, and Queen, remained, as we know, from record, at Edinburgh, on the 24th, 25th, 26th, and to the 27th of July, which was the day of her voyage to Alloa. There was a Privy Council held, at Alloa, on the 28th. And the King, Queen, and her court, returned to Edinburgh; as we also know, from record. They remained at Holyrood-house, on the 31st of July. And on the 1st of August they returned to Alloa, where they remained two, or three nights: And, they finally came back to Edinburgh, on the 4th of August 1566.

tation of Murray ; and first received a pardon from the Queen's beneficence, " by means of the Earl of Athol," says Keith, " though much against the inclination of the Earl of Bothwell." * After all those facts, and circumstances, we may now ask Robertson, What ascendancy over the Queen's counsels could Bothwell have, at that particular period ? † The answer, according to the fact, must be, *none*. This way, or rather no sway at all, of a married man, over a married woman, of an Earl of no fair fame, over a Queen, the historian endeavours to prove, by argument, rather than, by testimony. Even after four months exasperation, we may see the Queen, at the Craigmillar conference, firmly refuse to be divorced from her husband, and decidedly dissent from any measure of that nature,

* Keith, 334.

† My Lord of Murray, and Bothwell, said the Earl of Bedford, have been at evil words, for the Laird of Lethington, [at Alloa] before the Queen ; for he, and Sir James Balfour, had now come from Lethington, with his answer upon such heads, or articles, as Bothwell, and he, should agree upon ; which being reported to the said Earl, [Bothwell] " in the Queen's presence, made answer, that ere he parted with such lands, he should part with his life." My Lord of Moray said, stoutly, to him, " that twenty as honest men, as he, should lose their lives, ere he *reafte* Lethington. The Queen spake nothing, but heard both ; in these terms they parted ; and since, that I hear of, have not met." Robertson's *App.* 435-6. She communicated to my lord of Murray that money had come from the Pope, though it appeareth not by whom, or how much. *Id.* Even this last intimation would prove, that it was Murray, and not Bothwell, who enjoyed the Queen's confidence.

that would either stain her honour, or blot her conscience, whatever influence, Bothwell, with all *his ascendancy*, could exert, or persuasion, that Maitland could use.^a We now perceive strong facts stand opposed to very weak argumentation. After the altercation before the Queen, between Murray and Bothwell, on the 2d of August, at Alloa, when Bothwell sunk under the influence of Murray, we hear little of Bothwell, and still less of his *galantries* with the Queen. 'The fact is, that he continued the two subsequent months, at *daggers-draw*, both with Murray, and Maitland, whose pardon both Bothwell, and Darnley had opposed. The first of October 1566, then, must be considered as the epoch of a great change, in Bothwell's connections, and destiny: He now became one of Murray's faction; and looked forward to the murder of Darnley, and the marriage of the Queen, by Murray's means; while he was hated, by Murray, Maitland and Morton, who after using him, as a *cat's-paw*, made him a *scape-goat*. If there be a penny of love, in the article just stated, we shall, perhaps, find an abundance in the next. The Queen's purpose had been early given out, by proclamation, to hold Justice-courts, at Jedburgh, where she arrived on the 9th. It was soon known, that Bothwell, the Lieutenant, had been wounded, on the 8th. On the 16th she rode to Hermitage, to visit him; and returned, the same day, to Jedburgh. On the 17th she sent a mass of papers to Bothwell; and was taken, dangerously, ill, on the same day. It has, generally, been supposed, that fatigue, from such a ride, anxiety

^a Goodall, ii. 319-20.

for Bothwell, whose hand was sore hurt, was the occasion of her distemper. The same persons, who make those suppositions, may, also, suppose, that the mass of writings, for carrying which the treasurer paid six shillings, consisted of love-letters, amorous sonnets, and marriage promises: On the contrary, it may, reasonably, be supposed, that *the mass of papers* contained proofs of the intrigue of the borders, not only against the Lieutenant, but of Morton, among the border tribes, against the Queen's authority: And a dish of vexation, as we know, always gave the Queen a fit of illness. But, Mr. Laing will at length show us Bothwell, in a situation of gallantry, rather than of conspiracy: "The preparations, for the ceremony of the baptism," says he, "and the reception of the foreign ambassadors, were consigned to Bothwell." This then is asserted, with-

* *Dissert.* i. 20. For that groundless assumption, Mr. Laing quotes Keith's *Preface*, vii. which says nothing to the purpose; Robertson, ii. 435, which tells, how Murray put Bothwell down, in the Queen's presence; and Melvill's *Mem.* 77, which says, in interpolated language: "In the meantime, the Earl of Bothwell ruled all at court; having brought home the banished lords, and packed up a quiet friendship with the Earl of Morton." Bothwell ruled all at court, when Murray was not present! It is not true, that Bothwell brought home the banished lords; as we know from Bedford's information to Cecil. The passage contains nothing about what it was quoted, to prove: So that Mr. Laing's assertion is mere assumption. It is not quite certain, that Bothwell was at the baptism: But, what he may have taken upon him was owing to the connivance of Murray, and his agents, whose tool he was.

out any authority, and feigned, contray to the fact. What I have said of Dr. Robertson, may, with still more truth, be asserted of Mr. Laing; let him have his insinuation, his falsehood, and his forgery, and he will easily prove any woman guilty of any crime. Buchanan took a yet higher flight into the regions of fiction than even Mr. Laing: He makes the Queen busy herself, in bestowing both money, and labour, in making Bothwell appear the most magnificent among all her nobles, and princely guests, at her son's baptism: ' But, we know from record, that Bothwell was not present at *the ceremony* of the baptism, which, as a gallant man, he ought to have attended, with Athol, and four other nobles: ' Yet, Bothwell may have been present with Murray, and others, at the entertainments: He, certainly, concurred with Bedford, Murray, and other nobles, in soliciting Morton's pardon. A few days after the baptism of the prince, says Robertson, Morton, and all the other conspirators against Rizzio, obtained their pardons, and had leave to return to Scotland: Mary, who had hitherto continued inexorable to every other entreaty, *yielded*, at last, *to the solicitations of Bothwell.*^a

^y The accounts of the Treasurer contain no charges, for money, or furnishings, to Bothwell, on that, or, indeed, any other occasion. This record, then, is decisive of Buchanan's falsehood.

^z Goodall, i. 319-20.

^a *Hist.* i. 402. But, Robertson is contradicted, by a letter from Bedford to Cecil of the 30th of December 1566, from Hallyards, in Fife; giving him notice of Morton's pardon; and informing him, that he had exerted himself, as he had been instructed, with Murray, Athol, and all other

Why ; Robertson, if his eyes had not been shut by prejudice, might have perceived Queen Elizabeth's claim to the sole honour of obtaining Morton's pardon.^b And if his understanding had not been clouded, by ignorance of fact, Robertson would not have attributed to the same motive the Queen's proclamation, for revoking the Archbishop of St. Andrew his restoration of his ancient jurisdiction : The motive, says the historian, which prompted Bothwell, to whose influence over the Queen this action must be chiefly imputed, was still more criminal.^c Now, let us hear what the Earl of Bedford wrote to Cecil, on the 9th of January 1566-7, after his return, from Edinburgh, to Berwick: The Bishop of St. Andrews had of late obtained, under the Queen's hand, authority to use a certain jurisdiction, in divers cases, according to the canon laws ; and meant, therefore, to have erected " his court, at Edinburgh, which, because it was found

the lords, with the Earl of Bothwell, in Morton's favour . We thus see, that Bothwell only *concurred*, with others : But, why did he concur ? Because Bothwell was now acting in a concert of conspirators, for the death of Darnley, and expected the aid of Morton ; in which he was not disappointed.

^b See her letter to Throkmorton, her agent at Edinburgh, dated the 27th of July 1567 : " The Earl of Morton," says she, " had refuge in our realm, whence we might have delivered him to death ; and he himself was restored to his pardon, for gratifying us, upon instance made, by our order, at the Earl of Bedford being with the Queen of Scots." Keith, 429.

^c *Hist.* i. 404 ; where Knox is quoted for his authority : But, no authority can justify falsehood.

“to be contrary to the religion, and therefore not liked
 “of, by the townsmen, *at the suit of my Lord of Murray,*
 “*the Queen was pleased* to revoke that, which she had
 “before granted to the said bishop.”^d We thus see,
 that Bedford, who, no doubt, had his information, from
 Murray, contradicts both Robertson and Knox, in at-
 tributing that measure to the influence of Bothwell, who
 had nothing to do with it; and could not have produced
 it, if he had wished it. Robertson follows the delusion
 of Buchanan, in sending Darnley to Glasgow, after the
 pardon of Morton, which he had opposed, where he
 was taken with a dangerous distemper, even before he
 could reach Glasgow; from which his life was in the ut-
 most danger, when her neglect was quite equal to his,
 when she lay so ill, at Jedburgh.^e Now, mark, how a
 plain tale shall convict Buchanan of falsehood, and Ro-
 bertson of ignorance. The Earl of Bedford, who left
 Edinburgh, on the 6th of January 1566-7, on his return
 to Berwick, wrote to Cecil, on the 9th, “that Darnley
 “lay sick of the *small-pox*, at Glasgow, and that the
 “Queen had sent her own physician, to attend upon
 “upon him.”^f But, Robertson goes on, to talk of Mary’s

^d That unpublished letter of Bedford is in the Paper Office. ^e *Hist.* i. 405-6.

^f Bedford’s unpublished letter is in the Paper Office. Drury, the Marshal of Berwick, on the 23d wrote to Cecil, “that the *small-pox* beginneth to spread, from Glasgow, “and that he heard the Queen intended to bring Darnley “to Edinburgh, *as soon as he should be able to stand the cold “air.*” Birrel says, in his *Diary* of the 13th of January,

dissimulation, which he proves, by what he presumes to call two of her famous letters to Bothwell, which were written to him, during her stay at Glasgow, and lay open this scene of iniquity, when Bothwell had so far succeeded, in his ambitious design, of gaining an absolute ascendant over the Queen.^s Thus does the historian romance, in the face of two publick records, which prove, that the Queen still remained, at Edinburgh, while he makes her write two pretty long letters, from Glasgow.^h “The two first of her letters to Bothwell,” says Laing, “were written at Glasgow, on Friday night, and Saturday morning :ⁱ” [Friday was the 24th and Saturday the 25th of January, when the Queen was, at Edinburgh, or on the road to Glasgow.] From the date of Morton’s pardon, on Christmas eve, says Laing, *Bothwell*, and Maitland had attended the Queen, till her return to Edinburgh, on January 14th.^k It is not proved, that Bothwell was at Stirling, during the festivities of the baptism, though the fact may be inferred, from Bedford’s letter of the 30th of December, which speaks of Bothwell’s assisting, in the solicitation of that pardon :

“ K. Henry was lying sick, in Glasgow, of the small-pox ;
 “ but, some said, he had gotten poison.” This, then, is the historical fact : He had the small-pox ; but, Murray’s faction said he was poisoned. s *Ib.* 408.

^h The Privy Seal Register, and the Register of Signatures, both prove, that the Queen remained, at Edinburgh, on the 24th of January, while letters were forged, at Glasgow, for her, on the 22d, 23d, 24th, and 25th, of the same month. Here, is an *alibi*, then, which falsifies Robertson’s assertion.

ⁱ *Dissert.* i. 27.

^k *Id.*

But, when Laing says, that Bothwell was with the Queen, at Stirling, on the 2d of January, and in continuation, till the 14th of January, he not only asserts, without proof, but writes contrary to proof: The Privy Council Register evinces, that Bothwell was not, at Stirling, on the 2d of January 1566-7; that Bothwell was not there, on the 10th of January, when an act was passed, for the support of the new ministers, in towns.¹ We thus may perceive, that if Robertson may feign, and Laing may falsify, they can prove any crime, on any person. Thus are we assured, by Murray's journal, " that the Queen took her journey towards Glasgow, on the 21st of January 1566-7; and was accompanied with the Earls of Huntley, and Bothwell, to the Kalendar, Lord Livingston's place. On the 23d the Queen came to Glasgow;—the Earls of Huntley, and Bothwell, returned, the same night, to Edinburgh."^m Now, let us trace Bothwell's movements, at that critical period; in order to see, how far, he could have been present, in his attendance upon the Queen. He was not with her, at Stirling, on the 2d or 10th of January; as we have just seen. And the probability is, that he was not with the Queen, on the 21st of January,

¹ See the Act of Privy Council, in Keith, 570; Murray, and Maitland, were present, but not Bothwell, who had other objects to attend to. He met Morton, at Whittingham, about the 20th of January, 1566-7, to concert the King's murder.

^m See the Journal in Anderson's *Col.* ii. 271. Which journal, with a lie, in every line, Mr. Laing undertakes to authenticate. See his *App.* ii. 85.

1566-7.^a We have thus seen, that Bothwell was then, in attendance upon Morton, and not upon Mary. Such, then, was the weakness of the proofs of his being a paramour: such the strength of the proofs of his being a conspirator in crimes, which involved the Queen's ruin; and such the absurdity, of supposing a woman, and a Queen, would write love-letters, and love-sonnets, to a conspirator, who did not woo her to wed; as a powerful

^a In the beginning of January 1566-7, says Birrel, "the Earl of Morton, and his accomplices, were relaxed from the horn [were pardoned], for the slaughter of David Rizzius:" They then obtained their pardon, and release; but, they did not immediately quit Berwick. Drury informed Cecil, that they still remained there, on the 10th of January 1566-7. On the 23d of the same month Drury again informed Cecil, "the Lord Morton lieth, at the Laird of Whittingham's; where the Lord Bothwell, and Ledington, [Maitland] of late came to visit him." Arch. Douglas's letter in Robertson's *App.* ii. 531, shows, why they visited Morton at that time. The confession of Morton, in Bannatyne's *Journal*, avows the same criminal object of their guilty visit, namely, to engage Morton in the conspiracy, for the murder of Darnley. Those three complotters were all convicted of the murder of Darnley, and punished: The very conviction of the three evinces a conspiracy; and being thus concerned, in a treasonous conspiracy, the complotters were all equally guilty. The reader now sees, that Bothwell, in the month of January 1566-7, was very differently employed, than in attending upon the Queen to Kalendar, or any where else. "The date of that interview must be fixed," says Laing, "at the period of her absence at Glasgow." Bothwell being thus engaged in such a conspiracy could not have acted as a *paramour*, at the same time, in daily attendance on the Queen.

faction had engaged to give him the queen, in reward for murdering her husband, *whether she herself would or would not*. The date of that interview must be fixed, says Mr. Laing, at the period of her absence, in Glasgow, *when Bothwell was employed to provide* a house for her husband's reception.^o The date of that treasonable interview was, obviously, between the 10th and 23d of January 1566-7; as we may learn from Drury's information to Cecil. But, he gives no proof of his assertion, that Bothwell was employed to provide a house, for Darnley's reception. This assertion is an additional proof of what has been already intimated; if Laing be allowed his falsifications, he can easily prove any woman guilty of any crime. He asserts, that Bothwell was employed, when the Queen was absent, in Glasgow, to provide a house, for her husband's reception. The employment of Bothwell, on such a business, is asserted, without any authority; and it is asserted falsely: Bothwell knew what house the king would lodge in, without being employed in providing it; as he knew all the Queen's movements, from his intimate complotter, Mr. Secretary Maitland. The house, which was probably pointed out, by the Queen's physician, as the fittest, for an infirmary, was *the lodging of the Provost* of the collegiate church of Kirk-a-field, which came into possession of Robert Balfour, as Provost, in the room of William Pennycuik, only two months before.^p It is a fact incontrovertibly certain, whatever Robertson, and Laing, may say to the contrary, that the Queen, and her hus-

^o *Dissert.* i. 29.

^p *Privy Seal Reg.* xxxv. 95.

band, were reconciled, when she went to bring him to Edinburgh; and Darnley did not want any persuasion to accompany her to Edinburgh; as we know from Drury's information to Cecil.¹ The Queen brought him to Edinburgh, on the 31st of January 1566-7; as we know from Birrel's Diary, a better authority, than Buchanan's Diary, for Murray's guilty purpose. Yet, on the base authority of this obvious forgery, does Mr. Laing assert, that the conspirator, Bothwell, whom she met on the road, from Kalendar to Edinburgh, *escorted her and Darnley*, to Edinburgh.² The house, says Mr. Laing, was blown up in the air; the dead bodies of the king, and his domestick, were found, at some distance, untouched, by the powder: And he was murdered, by Bothwell, on the 10th of February 1566-7:³ And, he

¹ See the App. No. vi. to Darnley's *Mem.* for the proofs of the reconciliation of the king, and queen, during his illness.

² *Dissert.* i. 29. The dissertator again asserts, that as the Provost's house must have been provided, under the Queen's direction, during her absence, at Glasgow; not by Murray, or Morton; but by one, whom she durst not afterwards accuse of the murder; and Bothwell alone stood in that situation: The malignity of this is obvious, but not the sense: Would not a letter, from the Queen's physician, in her name, to Robert Balfour, secure the house, as a temporary infirmary? Would not a letter, from the same physician, to the Queen's chamberlain, or housekeeper, induce them to put some furniture and bathing-vats, into the house? We now see, that Mr. Laing's assertion, and argument, on this subject of Bothwell's providing the Provost's house, are equally groundless, and impertinent.

³ *Dissert.* i. 36.

might have added, with the concurrence of Morton, and Maitland, and the approbation of Murray. But, at the period, when Mr. Laing came before the publick with his history, and preliminary dissertation, it was no longer an object of inquiry, who murdered the wretched husband of Queen Mary : The three chief conspirators, Morton, Maitland, and Bothwell, *their instrument*, had been convicted of the murder : Their several convictions were recorded in the archives of Scotland. And they had even been confirmed by successive Parliaments. Yet, those convictions remain all unknown to Dr. Robertson, and Mr. Laing. At least, they inquire, think, and write, as if they had never heard of such convictions, whatever might be their importance : Of course, when Laing had finished his Inquiry, he copies Robertson's Dissertation, in deducing two conclusions opposite to each other : The first is, that Murray, and his associates, planned the conspiracy, and instigated Bothwell, as a cat's-paw ; the second, that it was perpetrated, by Bothwell alone, with the Queen's consent : He very easily rejects the first ; and comes, naturally, to the second, that the murder was planned, and executed, by Bothwell, with the Queen's approbation, which conclusion, he adds, is confirmed, by every circumstance, in his preceding detail. This may be true ; yet, the Queen may be perfectly innocent : For, if his preceding detail consist merely of assertions, and insinuations, of fictions and falsehoods, of forgeries and frauds, such a detail, only, involves the inquirer in disgrace ; but does not fasten guilt upon innocence. Why were not the records of Scotland searched, for those three convictions, of Morton, Maitland, and Bothwell ? The answer must be ; Because the three recorded convictions demonstrate a concert ; and the concert equally evinces

a conspiracy of nobles ; and what conspiracy of nobles was there, in Scotland, during Mary's reign, of which Murray was not the chief ? Why was the important fact of the visit, which was paid, by Bothwell, and Secretary Maitland, to Morton at Whittingham, slurred over, by this inquirer ? The answer must be, that Mr. Laing, being an advocate, knew that the meeting of three such men, for the avowed object, of agreeing on the plan of taking off the king, was an act of high treason : and the consultation, at Whittingham, establishes a concert, for the commission of a treason, which involves Murray, and his faction, in that guilty transaction, of which he knew the beginning, approved the progress, and profited, from the end of the whole conspiracy, from the Queen's dethronement, and his elevation to rule, in her room. Dr. Robertson undertook to prove the Queen's guilt, by showing the great ascendancy of Bothwell over the Queen's inflammable heart : Is not this very absurd ? It has been proved, as a most important fact, that while the Queen waited the period of her parturition, in Edinburgh-castle, Bothwell was excluded from it, by Murray's influence over the Queen. It has been shown, as another fact of great importance, that an altercation ensued, between Murray and Bothwell, at Alloa, on the 2d of August, in the Queen's presence, on the subject of Secretary Maitland's pardon, when Bothwell, again, sunk under Murray's influence. We thus have seen, that Robertson's theory of Bothwell's ascendancy over Mary was visionary. The historian, indeed, endeavoured to prove his point, by particular instances of his influence ; but, I have shown, by incontrovertible documents, that his several instances are as false, as his theory is foolish. Yet Mr. Laing follows the doctor, throughout,

“ The devious paths, where wanton fancy leads.”

By insinuation and assertion, by the use of fictions and forgeries, by supposing what he ought to prove, and slurring what he cannot disprove, he endeavoured to prove the *constant devoirs of Bothwell to Mary*; while Bothwell was only continuous in his concert with Maitland, Morton, and Murray. I have followed Mr. Laing throughout his various artifices; and have shown the truth of Dryden's remark,

“ That little souls on little shifts rely.”

I have proved, what all experience verifies, that *the conspirator* and *the courtier* are irreconcilable characters: I have shown Bothwell very busy, as a conspirator, but very inattentive, as a courtier. And when we see him go out, at the head of a thousand horsemen, with the written engagement of the prelates, and nobles, in his pocket, to seize the Queen, on the high road; to carry her forcibly to Dunbar-castle; to compel her assent to marry him; in what character are we bound to consider him, as a conspirator, or a courtier? The Parliament of December 1567 answered that question: They found, and adjudged Bothwell guilty, as a traitor, for having committed on the Queen's noble person the facts, just mentioned.¹ And that adjudication of Murray's Parliament, upon those several points, precludes the idle theories, of Dr. Robertson, and Mr. Laing, their absurd deductions, and nefarious crimination of an innocent woman: Indeed, when it was once settled, that Murray's faction were the real murderers of Darnley, with

¹ *Acta Parl.* iii. p. 5-10.

Bothwell for their guilty tool ; when it was once established, that Bothwell obtained the Queen in marriage, from the artifices, and violences, of Murray's faction, the whole question, with regard to the ascendancy of Bothwell over Mary, mounts into the moon.

MEMOIR V.

Memoir of the Regent Murray.

WHEN James V. was wallowing in the enjoyments of illicit love, little did he reflect, in how many difficulties he would involve his crown, and people, and family, by his guilty conduct. His grandson James VI. lived to see those effects distinctly: And, in his *Basilicon Doron*, he held up, in a striking light, to the intelligent eyes of his son, Henry, how much the royal family had suffered, and the legitimate government had been disgraced, by the ill choice of his great-grandfather, when he followed the pursuits of passion, rather than submit to the dictates of policy.

The most enterprising of the many illegitimate children of James V. was his son, James, by Margaret, the frail daughter of John, Lord Erskine: And this bastard boy was born, in the beginning of the year 1530-1; as we learn from the King's epistle to Paul III.* The first pro-

* It was dated, at Falkland, on the Kalends of March 1537-8, when his son, James, was said, by him, to be then going in the *seventh* year of his age.

vision, which his imprudent father made, for this spurious son, was, by a grant of the Barony and Castle of Tamtallon, that had been already settled on an elder bastard of the same name, from whom it was now taken, as he was better provided for, by the gift of the two several Abbeys of Kelso, and Melrose. It is unnecessary to state how much James V. disgraced himself, and degraded his government, by placing so many bastard boys, at the head of such religious establishments. Yet, in pursuance of that fatal policy, in 1538, he conferred on his son, by Margaret Erskine, the rich Priory of St. Andrews, while he was not yet seven years of age.* This infant Prior, or Commendator, was educated at the University of St. Andrews, where he resided, as a student, at the premature demise of his father, in December 1542.†

* The King, at the same time, appointed Alexander Miln, the Abbot of Cambuskenneth, and President of the Court of Session, to administer the spiritual, and temporal concerns of the Priory of St. Andrews, during the non-age of this favourite son. [*Epist. Reg. Scot.* ii. 72. James V. letter to Paul III. dated the 6th June 1540.

† This boy is described, in the College Register, under the year 1544, as "*Dominus Jacobus Stuart, junior, filius quondam illustrissimi Jacobi quinti Scotorum Regis, Canoniæ Divi Andreae, Commendatorius*," as a student of *three years* standing, who had a right to vote: He took no degree at the

We hear nothing of *his learning* : And we may presume, that he was born with a stronger propensity for action, than for study. On the demise of his father, the young Prior would retreat to his mother's residence, in Lochleven ; and she might wish to detain him, from his useful studies, at St. Andrews.*

university ; at least, there is no notice, in the register, of such academick honours, when he was thirteen, or fourteen years of age. In the *Treasurer's Accounts* of September 1538, there is a charge, " for expences disbursed on Lord James, now Prior of St. Andrews, for a black velvet coat, for black browderit velvet to begary it ; in all worth £35." These articles were sent to St. Andrews. In January 1538-9, there were charged, in the same accounts, for clothes, sarkes, and sheets, to the Lord James, at St. Andrews. In March, and May, there were other furnishings, to the two Lord Jameses, at St. Andrews. In April, and May 1540, there were, then, at St. Andrews, four of the King's bastard sons : And there were then sent them to that seat of learning, eight pair of hose, and four black bonnets. In June, there were other articles sent to those boys : There were, moreover, clothes furnished to Thomas Dury, *cuke* to the Lord James, the Prior of St. Andrews. [*Treasurer's Accounts.*]

* In the *Treasurer's Accounts* of the 11th of June 1543, there appears a payment to Robert Heriot, messenger, passing with letters, to charge the Laird of Lochleven, the husband of the boy's mother, to deliver the Commendator of St. Andrews. As the law knew nothing of this bastard, it was not easy to discover, by what authority, if not by that of Abbot Miln, the Governor issued that charge to deliver him.

Meantime, the seeds of ambition, which nature had scattered in his mind, began to sprout ; and he was thus induced, by his propensities, to cultivate useful connections, by engaging some of the ablest, and busiest men, in Scotland, for his particular service : He, also, wished to travel ; that he might enlarge his views of the world. The Parliament of Hadington, which met, in July 1548, having determined to send the Queen to France, for the security of her person, from open violence, and secret machinations, induced the Commendator, to think this a good opportunity, to pass into France, with his accustomed retinue of political associates :^a Andrew Wood of Largo, who with his son, John, continued through life, a devoted adherent of the Prior, was, in 1562, appointed the Collector of the Queen's Thirds of Benefices, in Fife, by his present protector, who

^a His license was granted, on the 9th of July 1548, to pass to France, to "the Sculis, and study, and to do other his lawful business." Pitscottie says, that James, the Prior of St. Andrews, went to France with the young Queen, in 1548. As perpetual Commendator of the Priory of St. Andrews, he issued a summons, on the 15th of March 1549-50, against Mr. John Rowl, the Prior of Pittenweem, which was a cell, or dependency of the Priory of St. Andrews. [MS. extracts from the *Register of St. Andrews*.]

had at length become the Queen's minister ;^b (2) Robert Colville of Cleishe, who was a bastard son of Sir James Colville of Easter Wemyss, and had obtained, from his father, the lands of Cleishe : He again went to France, with the Prior, in 1550 ; and being a zealous innovator, became the Master of the Household to the Prior : and following him into the field, he was slain, at the siege of Leith, on the 7th of May 1560 :^c (3) Patrick Myrton, the Archdeacon of Aberdeen : (4) Patrick Cockburn, parson of Petcoks, in East Lothian, who was an author by profession ; and he again went to France with the Prior, in 1550 :^d (5) John Wood, the vicar of Largo, soon after became the Prior's secretary, in which station, he became notorious, for his attachment to the Prior, and for his enmity to the Queen ; he was appointed, by

^b *Collector's Accounts*, in the Register-house, at Edinburgh.

^c Robert Colville, who thus sacrificed his life to his zeal of innovation, or his attachment of interest, was the progenitor of the Lord Colville of Ochiltree.

^d He dedicated his book, "*De Vulgari Sacrae Scripturae Phrasi*," to the Prior, in May 1552. Cockburn published some other religious works. But, they were all prohibited by the Pope : Cockburn became the first Protestant minister of Haddington : But, in 1564, and 1565, he was complained of, for not attending the general assemblies of the church. Keith, 535, 540. He was not a thorough-paced reformer.

his master's influence, when Minister of Scotland, one of the Senators of the College of Justice; he was concerned, as we have seen, with Buchanan, in fabricating a declaration, for the attainted Paris, which is disgraceful, for its contradictions, and odious for its falsehoods; Wood died by the vengeful hand of the Laird of Reres: (6) Patrick, the Master of Lindsey: He was, however, on the subsequent day, directed, by the Governor, not to depart the kingdom: this person married the sister uterine of the Prior; and succeeding his father John, Lord Lindsey, in 1563, became notorious for his zeal of innovation, and violence of measures: He was one of the principal assassins of Rizzio, and one of the conspirators, who compelled the Queen to resign her crown; and afterwards swore, that she had resigned it voluntarily.

Such then, were the political associates of this youthful Prior, who, according to Robertson, soon became disgusted with the indolent retirement of a monastick life, as if he had ever been confined to a monastick life.

Among the respectable persons, who attended the infant Queen to France, were the Commendator's grandfather, John Lord Erskine, and his uncle, John Erskine, the Prior of Inchmahom, who became Lord Erskine, Earl

of Mar, and in 1571, Regent of Scotland.* We may from those circumstances infer, that the youthful Commendator went, on that occasion, to Paris, on a jaunt of pleasure, more than, for the instruction of the *sculis*.

Those early notices of so distinguished a person are, certainly, instructive; particularly, as he is sometimes confounded, with another bastard brother of the same name, who was Prior of Kelso, and Melrose: as we have seen.†

The Prior, however, seems not to have remained long, at *the sculis* of France. He was, certainly, present, in the Council of the Scottish Church, which was assembled, at Edinburgh, for reformation, in 1549, when he was scarcely eighteen.‡

The Commendator very early felt the movements of love, as well as the incitements of ambition. On the infant daughter of John,

* *Privy Seal Reg.* xxii. fol. 16-17.

† See Lodge's *Illustrations*, whose mistakes have been copied into other works of a similar kind. This James Stewart died, in September, or October 1557. [*Privy Seal Reg.* xxix. 7.]

‡ Wilkins's *Conc.* i. p. 23: and Sir David Dalrymple's *Councils*. Among the abbots, and priors, who sat, in that assembly, was "*Jacobus Prióratus Ecclesialis Primatialis Sti. Andree, Commendatorius.*"

the master of Buchan, the Commendator cast his prudent eyes, as a convenient match : And, upon the 16th of January, 1549-50, he entered into a contract of marriage, with James Steuart, the lady's uncle, though her grandfather, the Earl of Buchan, was still alive : This contract was never fulfilled, by the Commendator ; but, under its cover, he contrived to deprive the heiress of her inheritance ; as we know from the records.

Having assisted, at the Ecclesiastical Council of 1549, in passing some Acts of Reformation ; and entered into that contract, he again went to France, in September 1550, when not yet nineteen, “ for dressing some affairs of the Queen,” and her realm.^h He was, again, accompanied, by various dependents, who could each support him, by their advice, or arms, by their words, or writings. They were : John Rowll, the Prior of Pittenweem ; William Lawder of Hatton ;ⁱ Dean John Winram, the Vicar

^h For that effect, there was a license granted to him, his servants, and friends, on the 6th of September 1550.

ⁱ Lawder was a zealous innovator, and a constant adherent of our Prior, through his various conspiracies, and adventures. He engaged in the assassination of Rizzio, and the imprisonment of the Queen, for Murray's behoof ; and was pardoned, for those treasons, by Murray's influence. [*Privy Seal Reg.* 7th July 1566.]

of Don;^k Mr. John Douglas, the Parson of Newlands, who, under the corrupt regency of Morton, rose, by his arts, to be Archbishop of St. Andrews;^l Patrick Cockburn, the Parson of Petcokis; David Henryson, the Vicar of Rossie; Henry Douglas the younger, of Drumgarland; Alexander Erskine, the son of John, Lord Erskine, and uncle of the Prior; Robert Colville of Cleishe, before mentioned; John Forret; Robert Wynram, in Ratho; James Somerville, in Humby;^m David Orme; and Bartholomew Livingston. Such then, were the characters, who accompanied our ambitious Commendator to France, on the Queen's affairs.ⁿ

What business the Prior *dressed*, or *undressed*, for his sister, and Queen, in France, it is not easy to discover. He, no doubt, acted more for himself than the Queen, his sister; as we may infer, from the list of his attendants.

^k Winram was an early innovator, while Subprior of St. Andrews; and filled that seat of learning, with his principles.

^l He was a bastard of Robert Douglas of Langnewton; was originally a *Carmelite friar*; then Parson of Newlands; Chaplain to the Earl of Argyle; an innovator by habit; and he thus became Rector of the University of St. Andrews, and Archbishop: he died in 1575.

^m James Somerville, and his two brothers, were engaged in the assassination of Rizzio, for the relief of Murray.

ⁿ *Privy Seal Reg.* xxiv. fol. 18.

He, probably, returned, early, in the subsequent year ; as he obtained *legitimation*, on the 7th of February 1550-1.^o He was again legitimated, owing to whatever cause, in subsequent times, as his prospects opened upon him, when he was incited, by the ambition of others, as well as his own, to grasp at the sceptre.^p

Early in the subsequent year, 1552, he seems to have begun his political connection with England, while he continued his intrigues, in France, for what he could obtain, when he was, scarcely, arrived at that period of life, when young men are allowed by law to act for themselves.^q He certainly went to France in July 1552, by the route of London, and returned the same way, in the following December.^r There

^o *Privy Seal Reg.* xxiv. p. 52.

^p *Id.*

^q Goodall mentions a treasonable correspondence with England, in 1552, on the authority of the *Cot. Lib. Col. B.* vii. 455, which seems to be mistaken in the reference. [*Dalzell's Setch of Murray's Life*, 147.] The fact is, however, that there is recorded on the books of the English Privy Council, a warrant, dated the 27th of July 1552, for paying to James Steuart, a hundred marks. On the 5th of the subsequent December, there is recorded another warrant, in the same books, for paying to James Steuart, in the way of imprest, another hundred marks.

^r On the 13th of September 1552 he witnessed a commission, which was granted, at Paris, by W. Gordon, the Bishop of Aberdeen, under the name of James Steuart,

is reason to believe, from the jealousies entertained, by the English Court, of that of France, during a year of peace, that the ministers of Edward VI. made use of the youthful Prior, as an unsuspected spy, during his residence at Paris. Considering the Prior's revenue, we might suppose, that he was under no necessity, to receive the wages of corruption; if it were not, that he had many followers, whose needs made constant demands on his accustomed income.

Of such a character, as our Commendator, it is curious to remark, that while he thus received money of England, he began to act as the Reformer of Scotland, at the early age of one-and-twenty, when most youths, some to business, some to pleasure take.* But, the ruling passion of the Prior, was ambition, which can stoop to the lowest baseness. It is out of nature, for a young man of twenty-one to commence the Reformer of that Church, from

Prior of St. Andrews. This fact proves, that he was, certainly, at Paris, on the day specified.

* Burnet represents, under the year 1552, the state of Scotland to have been divided into two factions: At the head of the one, was Archbishop Hamilton: The other faction, who hated him, and inclined to the Reformation, put the Prior of St. Andrews, at their head. [*Hist. Reform.* ii. 209.]

whose establishment, he derived so large an income, and such considerable patronage.

We are thus led to investigate, more distinctly, the Prior's real views, either of interest, or ambition. We have seen him going to France, in 1548, when he was, scarcely, seventeen, with a great following of writers, warriors, and politicians; being already ambitious, "with endless rule to dwell." He now went to France, with his sister, and sovereign: In 1550, he again went to France, in the train of the dowager-queen; on pretence of promoting the Queen's affairs, with a similar accompaniment of various characters, whom he had attracted, by his gratuities. In 1552, we have detected the Prior, at the age of one-and-twenty, employed, by the ministers of Edward VI., in their secret intrigues, and receiving their money, for his management. We have perceived him, during the same year, already at the head of the Scottish reformers, in opposition to the Archbishop of St. Andrews: And, it is reasonable to ask, whether he placed himself, at the head of such innovators, upon a religious, or an ambitious motive? While he was young, we shall see him busy, both in the Scotican Councils, and in the Scottish Parliament; while he was induced, by love, to court the Countess of Buchan, and by avarice, to swindle her out of

her estate. We shall observe him joining with a very few nobles, who were as busy as himself, in the recal of John Knox, one of the most turbulent men of an innovating age, that he might act with them, both as priest, and prophet. When the Reformers, in 1558, assumed a sort of political system, we shall still find the Prior, at the head of them. In the year 1559 when they had made some progress, under Cecil's management, we still see the Prior an active leader, following his ruling passions of interest, and ambition. What his motives were, we may, distinctly, perceive, in Throgmorton's information to Cecil, before mentioned: I am "secretly informed," said that discerning ambassador, to the Secretary, in July 1559, "that there is a party, in Scotland, for placing the Prior of St. Andrews, in the state of Scotland; and that the Prior himself, by all the secret

¹ Forbes's *State Papers*, i. 80. Holinshed, i. 367-9, has transcribed, out of Lesley, two letters, from Francis, and Mary, dated, in August 1559, reprehending the Lord James, for his attempts to deprive them of their whole authority, in Scotland. It is apparent, from the above review of his conduct, from his early youth, that he was guilty. In 1559, he had a greater influence, in Scotland, than the Queen herself; as he had long dedicated his whole revenues to obtain followers. From the moment, that he placed himself at the head of the innovators, he became dangerous to the Queen's legal authority.

“ means he can, aspires thereto.”^a Cecil’s instructions to Sadler, naturally, followed that information of Throgmorton. Secretary Cecil went, in the subsequent year, to Scotland, to negotiate the treaty of Edinburgh. In writing to Elizabeth, from that city, on the 19th of June 1560, Cecil says ; “ Next to Lethington [Maitland] is the *Lord James*, who, surely, is “ not unlike either in person, or qualities, to “ be a King, *soon*.”^a The whole State Papers of that age evince, that Secretary Cecil always meant more, than he expressed. During the same year 1559, as we are assured by Robertson, the Regent-Queen, publicly, insinuated “ that the ambition of the Prior aspired beyond “ the condition of a subject ; and aimed at “ nothing less than the crown itself ;” an accusation, so improbable,” continues he, “ gained “ but little credit :” And thus, the historian was induced, by a very illegitimate logick, to

^a It was in vain, for Elizabeth, seven years afterwards, to talk, that there was an intent discovered to us, before the making of the treaty of Edinburgh, even by Lethington himself, to deprive the Scottish Queen of her crown, *which motion we utterly rejected*. *Cot. Lib. Col. C. 9. 50*. That there was a purpose, which was countenanced, by the English government, to deprive the Scottish Queen of her crown, is true : but, it is not true, that Elizabeth checked that purpose, as she rather promoted it.

^a *Hist. Scot.* i. 202-3.

object to the notice in Forbes, and to a whole chapter, in Goodall,⁷ as well as to *the fact*. Secretary Cecil, who wrote from what he saw, and understood, thought differently from Dr. Robertson, that the Lord James was likely to be *soon* a King. From that epoch, the Lord James became the instrument of Elizabeth, and Cecil, for ruining the Scottish Queen. If we carry on our inquiries, on this head, one step further, we shall see, whether Robertson, or Cecil, reasoned most accurately, about the *probabilities* of the Prior's Kingship: The attempt of Elizabeth to intercept the Scottish Queen's passage to Scotland, after denying her a safe conduct, evinces the purpose of Cecil, and Lord James, to imprison the Scottish Queen, that her bastard brother might reign, as a dependent prince. It is moreover an interesting fact, that from the treaty of Edinburgh, on the 5th of July 1560, to the 19th of August 1561, when the Queen arrived, the Lord James, the bastard of Scotland, was the virtual sovereign of Scotland, under the corrupt management of Secretary Cecil; having declined to act, under the commission, which the Queen had transmitted to Scotland, for establishing a legitimate government.

⁷ Forbes, i. 80; Goodall, i. ch. iii.

It is now necessary to trace some other points of the Prior's progress to his elevation, as sovereign, by a brief retrospection, from the year 1552, when he appeared at the head of the innovators. We see him active, in the Parliament of 1554, as the chief of the reformers; supporting the Queens-regent's pretensions.^a This party, and the Queen-regent, seem to have understood each other: She procured the return of the assassins of Cardinal Beaton, and favoured their present views; and they flattered her passions, and supported her government. After the death of John Rowll, in 1555, the Lord James obtained the Priory of Pittenweem.^b He acquired, during the same year, the rich priory of Mascou, in France:^b He appears, afterwards, to have obtained a bishoprick, in the same kingdom, as he seemed to be sincere, in promoting the measures of France.^c It is

^a *Acta Parl.* 597.

^a *Privy Seal Reg.* 14th April 1555. ^b Goodall, i. 153.

^c Hardwicke's *State Pap.* i. 158: Throgmorton the English Ambassador, at Paris, wrote to Elizabeth, on the 29th November 1560: "Whereas, the Lord James, Bastard of Scotland, had, out of a bishoprick, and abbey, of this country, a yearly pension of 2,500 crowns; he hath made suit to this King, and Queen, to have not only the arrearages of the same, since it hath been staid; but also the continuation thereof. The Queen (Mary) hath made him this

obvious, that the Prior was thus studious, to obtain those ecclesiastical promotions, in France, under the authority of the Pope, while the Prior was active, in undermining the Papal authority in Scotland.^d

The duplicity, which was so fashionable, in that religious age, and of which the Prior was so great an adept, may be illustrated, from a very different transaction ; His contract of marriage with the Countess of Buchan, as we have seen, was never fulfilled : But, from that *vantage-ground*, the Commendator saw, distinctly, the condition, both of the lady, who was then an infant, and of the earldom of Buchan, which was burdened with the debts of an old, and improvident Earl. As early as 1556, the Commendator adopted the purpose of acquiring this earldom, without marrying the heiress, to whom he was engaged : His mode of making this acquisition, was, by buying up the

answer, that like as this his falling, from his duty, hath been the cause of the stay thereof, and deserveth his exemption, from the same ; so his merits again, towards her, is the only way to purchase her favour, and the said pension ; which, if he accomplish, according to the trust she hath of him, he shall not only be sure of his satisfaction, but also of all the good favour, that may be showed him, besides his pension, whether he dispose himself, to be *ecclesiastical*, or *temporal*."

^d *Ib.* under 1559-60.

mortgages, or other securities, on this encumbered property. In 1556, he acquired, from the heiress, and her tutor, Ogilvie of Boyne, assignations of the rights of redeeming those securities; and upon those assignations, he obtained confirmatory grants of the crown, which gave him a complete right to the assigned property.^e On the death of the old Earl, in 1562, his grand-daughter, Christian, succeeded to the earldom of Buchan, without the estate, which the Prior had secured, for himself: And she was married, in 1563, to the uterine brother of the Prior, Robert, the *second* son of Robert Douglas of Lochleven, who had married Margaret, the Prior's mother, by James V. That the heiress of Buchan had been swindled out of her marriage, and her estates, by the Commendator, is now quite evident, from the publick records.^f

Amidst the various, and continued pretences of the reformers, during the years 1558, 1559, 1560, the Prior had frequent occasions, to display his perseverance, and his artifices. But, the first attempt, which appears, of the Lord James, by the help of Knox, to impose a forgery on the credulous world, was, in October 1559.^g We may thus see, that the *Reformer*,

^e See the *App.* No. v. ^f *Id.*

^g Elizabeth's notorious agent, Randolph, under the feigned

and the *Prior* were fully aware of the convenient policy of making *a letter*, or a *lie*, serve the appropriate purpose of the fraudulent day, which,

“ the well-invented tale, for truth imparts.”

But, what was the imposition of such a letter, which was thus easily detected, to the fraud of the treaty of Edinburgh, 6th July 1560, “ by “ which, according to Robertson, the sovereign “ authority was almost tranferred into the “ hands of the congregation ?”^b Yet, the historian does not stop, to inquire, whether a transfer, so, extraordinary, was ever made, or if powers to make such a treaty, were ever given. There was, indeed, a treaty, of that date made, at Edinburgh, between Elizabeth, on the one part, and Francis and Mary, on the other :ⁱ But, that such a treaty was never made with the Scottish insurgents, is quite clear :

name of Barnaby, wrote, from Hamilton, on the 12th of October 1559, to Sadler, and Croft, at Berwick : as we learn, from Sadler's *State Papers*, i. 497-9 : “ The Prior of “ St. Andrews sent a letter to the Earl of Arran, that he received out of France : containing many news of the preparations against Scotland, with advice to seek aid of “ England : which, I guess, to savour too much of Knox's “ style, to come from France, *though it will serve to good “ purpose.*” ^b *Hist.* i. 241.

ⁱ See it in Rymer, xv. and in Leonard, ii.

The treaty, which was intimated, by Robertson, as we have seen above, is a gross forgery ; as plainly appears, after every research, that can be made, on this important subject :^k The French Ambassadors had no authority to make any treaty with the Scotch insurgents :^l They refused, at Edinburgh, the place of negotiation, to make any treaty : And yet a treaty is produced, at last, accompanied with every mark, that can denote a forgery.^m The Lord James, with Secretary Maitland, were the instruments, who imposed this fraud on a believing people, in concurrence with Secretary Cecil ; who were all very capable of any baseness, for a political purpose : While Cecil continued, in Scotland, he regarded Maitland, the Secretary, to be the only statesman, who was capable of providing, for the burden of foresight.

The Lord James continued his activity of design, to promote his own interests, throughout the busy year 1560. The several points,

^k See Whitaker's *Vindication of Mary's Innocence*, iii. 40-3 ; 463-93-515 ; and the *App.* to this Memoir, No. iii.

^l See their full powers, in Rym. *Fœd.* xv. p. 581 : It was dated the 2d of July 1560.

^m See the *App.* to this Memoir, No. iii.

ⁿ When the English troops, which were at Leith, marched off, in pursuance of the Treaty of Edinburgh, the Lord James accompanied them to Berwick. Keith, 445.

which the feigned treaty contained, were carried into effect, without ratification: And above all, a Parliament was called, by the Lord James's influences, without the Queen's knowledge, and sat, without her authority: But, the managing persons insisted, that the treaty justified such constitutional irregularities, and necessity confirmed the convention, though the Queen had not ratified the treaty, and, without ratification, no treaty is valid. A great variety of laws were now passed, which a heated people demanded, and an assembly of zealots enacted :^o Sir James Sandilands was sent with the proceedings of such a convention to France; to ask for the Queen's ratification of measures, whereof she had no previous knowledge ;^p the Queen refused to ratify such proceedings, and regarded the messenger with great jealousy, while she knew, that a splendid embassy had been sent, by the same convention, to Elizabeth. Robertson thought it too late, now, to call in question the legality of the convention of August 1560; as if it were ever too late

^o See a list of them in Keith, 151; and they have been recently printed, among the *Acta Parliamentorum*; not that such laws had any force in themselves, but were legalized, by a subsequent Parliament.

^p See his instructions, *Ib.* App. 91, and the Hardwicke *State Papers*.

to rectify error, and to ascertain truth. The Lord James continued, from his temperament, to be one of the most active of those lords, who assumed the government of Scotland, during that anarchical period. The state of this country, and people, justifies the observation of Elizabeth, who had contributed to bring it into such a state, that "the Scots were *populus sine capite*."^a Elizabeth, on that occasion, refused, to accept, as her husband, Lord Arran, who was offered to her choice, by that convention; and who, as early as 1554, had been destined, by his father, to be the husband of the infant Queen. Amidst the intrigues, which were in agitation, both at London, and Paris, died on the 5th of December 1560, Francis II. the Queen's husband, and matrimonial King of Scots, one of the gentlest of sovereigns.

The Lords, who ruled Scotland, without authority, with the Lord James, at their head, called together a convention of such barons, as were nearest at hand, on the 15th of Ja-

^a Hardwicke's *State Pap.* i. 165: In the same letter, it is said, "As far as I can learn among the Scottish men, [at London] if their alliance be not more established, than some here would;—they shall be constrained, to save their necks, and to win the French favour again, to turn their coats, which doth not a little grieve them." *Ib.* 169.

bruary 1560-1 ; to consider of the effects of that event.' The convention is said to have appointed the Lord James, to repair to the Queen, in order to persuade her, to return to Scotland.* From the State papers we thus see, that the Lord James had no such authority, as Knox supposed, and said : And, from those State papers, we also perceive, that the chiefs of the nobility were, equally, willing, to receive Elizabeth, as Mary, or any potentate, that would gratify best their ambition, or their avarice. The Lord James, as we are informed, by Randolph, was in no hurry to depart, " till he see " what will be done, at the ensuing Parliament." Amidst the intrigues of that busy

* Keith, 157.

* Knox, 283 : There remains, in the Paper Office, a letter from the Lord James to Cecil, dated the 7th of February 1560-1 ; desiring a passport : " being ordered by the nobility, and council, to our sovereign, for declaration of our duty, and devotion, to her highness." Such, then, were his powers, which he could shape into any form. There is also a letter, on that occasion, from Argyle ; offering his services to Queen Elizabeth. There is a similar letter, from the Duke of Chattelherauld, in favour of Lord James ; and offering his services to Queen Elizabeth. There was a similar letter, from Morton to Cecil, in favour of Lord James, with an offer of his services. What traitors !

* The convention was appointed, by the ruling powers, to meet the 21st of May, next. Keith, 157.

agent, to secure an English interest, in Scotland, arrived various persons, from Mary. Bothwell, also, arrived from Paris, "to work," according to Randolph, "what mischief he can," to Randolph's designs of serving Elizabeth against Mary: There came from Mary, at the same time, a commission to seven personages, or any three of them, to convene, and hold a Parliament, in her name.^a But, owing to the uncertainty, and intrigues of the moment, this royal commission appears not to have been adopted, by the heterogeneous commissioners. In the meantime, Maitland, who was then the ablest statesman, in Scotland, acted, in some sort, as Elizabeth's Secretary, in Scotland; and basely informed Cecil of every measure, both at Edinburgh, and Paris.^x

There was another party, consisting of prelates, and nobles, of great consequence, who seem to have stood aloof, from those, who acted more, for Elizabeth, than Mary, and who sent Lesley, the Bishop elect of Ross, to offer

^a The royal commissioners were: The Duke, the Earl of Argyle, the Earl of Huntley, the Earl of Bothwell, the Lord James, the Earl of Athole, and the Bishop of St. Andrews.

^x His correspondence with Cecil, which remains, in the Paper Office, is the record of his guilt.

their duties, and advice, to their sovereign.⁷ The zeal of Lesley seems to have outrun the policy of Lord James: Lesley arrived a day before his arrival, at Vitrie, where he was well received by the Queen; where he communicated to her the state of her kingdom; and offered her the duties of those, who had sent him. The Lord James arrived the following day, who told her, with his usual duplicity, "that he came only to pay his duty to her, as " his sovereign lady, without any commission " whatsoever, relating to any thing else."⁸ He asked for himself, however, the Earldom of Murray, which the Queen declined to give, till her return. He appears to have then gained an ascendancy over his sovereign, under which she seems to have acted, during all his treasons. He forgot to inform her of what, he had an interest to conceal, that Maitland, who had betrayed her mother, when regent, was now acting, with Cecil, as Secretary, in Scotland; that the duke, and other nobles, had offered their services to Elizabeth; that the party,

⁷ The persons, who are named, by Keith, 157, were: The Archbishop of St. Andrews, the Bishops of Aberdeen, and Murray, Ross, and the Earls of Huntley, Crawford, Athole, and Sutherland.

⁸ See the Queen's letter, in Keith, 163, from Nancy, the 22d of April 1561.

with which he had long acted, was much more attached to Elizabeth, than affectionate to her, their sovereign.^a Lord James departed, from Paris, on the 4th of May 1561, on his return, through London, to Edinburgh.^b The expectant Earl, as he passed through London, gave Cecil, and Elizabeth, notice of the Queen's purpose, to return to her own kingdom, by sea, and advised them, to intercept her voyage.^c The Queen had before applied to Elizabeth for passports, which were, expressly, refused, before her whole court; in order to show her purpose to the world: And she sent out her ships, on the pretence of "cleansing the seas of pirates;" but with the real design of intercepting the Scottish Queen;^d in which purpose, as it applied

^a The State Papers of 1560-1 evince those truths; and see Keith, 1566-7.

^b *Ib.* 164. But, he brought no commission, from Mary, to govern for her, as Buchanan, falsely, asserts: And, the convention of May 1561 sat, audaciously, under his influence, without any authority, from their legitimate sovereign.

^c Camden, 53: For, James, the bastard, returning, very lately, through England, had given secret warning to intercept her: Camden adds, Lethington gave the same advice; *as he wrote*: What he wrote still remains, in the Cotton Library, and the Paper Office; and his letters to Cecil are the proofs of his criminality.

^d The refusal of the passports, both to D'Oysel, and to the Queen, is, universally, acknowledged, and is admitted,

to the Lord James, Secretary Maitland, and the Earl of Morton, was a treacherous act of high treason.

The Queen, as she arrived safe, was well received ; and as she escaped the English ships, was congratulated, by Elizabeth, who, with appropriate duplicity, assured the Scottish Queen, “ that she had not, in the least, attempted to intercept her passing into her own kingdom.”^a There were publick rejoicings, at Edinburgh, for her arrival: Buchanan, with lucky malice, praised her much, saith worthy Keith, that he might dispraise her much more. But, these did not conceal from her what she had lost, for ever, and what remained to her, at present. She found herself obliged, as well, by the advice, she had received, from her uncles, as by her own reflections, to throw herself into the arms of those treacherous men, who would willingly have consigned, her, for life, to the safe custody of her *good*, but *guilty* cousin. The Lord James was appointed her avowed *minion* ; her Privy Counsellors were somewhat mixed ; but, the whole *officers of state*, or men

by Cecil. Hardwicke's *State Papers*, i. 172. Keith, 169-70-71. See the *App.* to this Mem. No. iii. for additional proofs of that nefarious transaction, in opposition to Robertson's apology, for Cecil's artifices, and Elizabeth's enmity.

^a Keith, 181.

of business, except the Earl of Huntley, the Chancellor, were the mere creatures of the avowed minion.^f “Under this new government,” as Bishop Lesley observes, “the Queen’s brother, the Lord James, was the sole favourite, “and disposer of every thing : It was even conjectured, he adds, by several people, that he “had favoured a design, to possess himself of “the crown.”^g The Queen now made a short

^f See the list of the Privy Council, in Keith, 187. In that list, were the Treasurer, the Secretary, the Clerk of Register, and the Justice-clerk, who were all the *mere minions of the minion*. But, what proof is there of this circumstance ? This Privy Council was settled, on the 6th of September, 1561 : On the 9th of March 1565-6, all *those minions of the minion*, who were then expatriated, for his rebellion, with the Earl of Morton, who had been appointed Chancellor, in the room of the murdered Huntley, at their head, attacked the Queen’s palace, with force, and arms ; assassinated Rizzio, her private secretary, in her presence ; and arrested her person, for the relief of *the minion* : Than this, can there be a more glaring proof of their being the basest minions of a minion ?

^g Keith, 188. And this thing, said Keith, is not only related by that author, who may however be looked upon, as too much prejudiced against the Prior ; but, the same thing is likewise taken notice of, by the English Resident, Mr. Randolph. The Prior, Lord James, was now *thirty* : and his whole life had been a proof of his ambitious purposes. His nature, and education, prompted his ambitious spirit : As early as 1552, he, who had no religion, put himself at

progress, through Stirlingshire, and Fife, to Perth, attended, by the Lord James, who chose not, perhaps, to interpose his influence, in protecting her, from the insult, and adulation, which were offered to her, by people, who had much religion, without manners, or morals.^b

As early, as October 1561, measures were thought of, for punishing, or restraining *the thieves, and robbers, on the borders* : For this important end, a solemn court of justice was ordered, to be held, at Jedburgh, for trying those delinquents : And the Lord James was appointed, no doubt, by his own suggestion, to be *the Lord Justice* ;ⁱ he was, in fact, as we see in the Privy Council Register, appointed the Queen's *Lieutenant*, on the Borders, with more

the head of *the religion* ; In 1558, 1559, and 1560, he was, in fact, king, under the management of Cecil, and Elizabeth : and, as minion, he now, in September 1561, acted, without control.

^b Keith, 189-90-1-93 : The Lord James was, at that period, when he was only thirty, described by Randolph, in this manner : " The Lord James dealeth, according to his " nature, rudely, homely, and bluntly." *Ib.* 196.

ⁱ *Ib.* 190-1-2 : Keith is studious, on that occasion, to publish records, in order to show, how grossly Buchanan, and Knox, two established liars, have *deborded* from the truth ; have departed from the fact : Buchanan, and Knox, had no purpose to tell the truth ; the object of both being to degrade the Queen, by *calumniation*.

than royal power. Attended, by the Judges, he proceeded, with the whole power of the southern shires, to hold the Justice-court, at Jedburgh, on the 13th of November 1561. We are informed of the result, by Randolph's letter to Cecil, dated the 3d of December: "Of the Lord James's doings, at Jedburgh, and of the meeting at Kelso, with the Lord Gray, and Sir John Forster, I doubt not but your honour hath been advertised: He burnt many houses; he hanged twenty-two, or twenty-three; and he brought to this town forty, or fifty, of which there are twenty-three in the castle of Edinburgh: The chiefest of all the clans, on the borders, are come in to take what order, it pleaseth the Queen, to appoint; to stay theft, in time to come."^k But, these were not the whole doings of the Lord James, as Lieutenant on the borders; as we know, moreover, from Randolph: The Lieutenant made an inroad to Hawick, where he performed judicial exploits, which rivalled the above in severity; and would

^k This long dispatch is in Keith, 203-8: At the close is added, what may be deemed very significant of the Lord James's feelings of ambition: "The Lord James desireth me to present unto your honour his hearty commendations, under these words; *That he is not yet grown so great, as he should misken you;*" forget what he owes to you. *Ib.*

not disparage *Jeffreys's campaign*, in the West, during the subsequent times of rigour, in England.¹

The Lord James, who was thus superior to the Queen, in influence, had now displayed his power; who, as Queen's Lieutenant, had quieted the border turbulence, with an iron rod; who, as reformer, had courted the new clergy, at the expense of the old; now thought fit, to secure something still more beneficial, for himself. He had, for some years, cast his eager eyes on the Earldom of Murray: When he went into the northern shires, to reform the churches, in August 1560, he had seen how much could be obtained, by a person of his pretensions: Yet, he did not, perhaps, very accurately know, that the object of his cupidity belonged to others; though he saw, and envied, the extensive jurisdiction, and personal influence, of the Earl of Huntley.

This great noble was born, in 1510, the son of John, the apparent heir of Alexander, the fourth earl, by Jane, the natural daughter of

¹ See the Appendix to this Memoir, No. vi. Randolph wrote to Cecil, from Edinburgh, on the 11th of November 1561: The Lord James is now Lieutenant on the borders, sole minion of the Queen, likely soon to be Earl of Murray, and Treasurer of Scotland." Keith, 202.

James IV. He was bred with James V.; and succeeded his grandfather, in 1524: He sat in the Parliaments of 1531, and of 1532, while he was yet under age; and at two-and-twenty, he was called into the Privy Council, during the year 1535. When James V. went abroad to marry Magdalen of France, in 1537, Huntley was one of the Commissioners, with the two archbishops, who were left to govern Scotland. He now ranked, in the Parliament, as the premier Earl of Scotland. In 1542, Huntley, the King's sister's son, commanded on the borders. In March 1542-3, Huntley again appeared, in Parliament, at the head of the Earls, when James Hamilton, the Earl of Arran, was declared to be the second person, in the kingdom; and, he was appointed one of the Council, for assisting the regent Arran. After the assassination of Cardinal Beaton, by the abominable plot, which was managed in England, by the Reformer Wishart, Huntley was appointed Chancellor, by the Act of Privy Council, in June 1546. At the fatal battle of Pinkie, on the 10th of September 1547, he commanded the reserve of the Scottish army; and fighting bravely, was taken prisoner, and carried into England. Being now solicited, to promote the marriage of his Queen to Edward VI., he said: "He did not so much mislike the

match, as the way of wooing." Having made his escape, from England, in 1548, he again acted, as Chancellor. As a reward, for all his services, and sufferings, Huntley, who was already Lord-lieutenant of the northern parts, obtained a grant, on the 13th of February 1548-9, of the earldom of Murray, and lordship of Abernethy.^m He accompanied the Queen-dowager into France, in 1550, where he obtained the order of St. Michael; and in April 1554, he, effectually, served her, when she sought the regency, from the feeble hands of Arran, the governor. Yet, in the same year, did she, by the advice of her French servants, call Huntley in question, for not performing impossibilities, in subduing some of the Highland clans: On that occasion, he probably resigned his charter of Murray.ⁿ By disgusting such a noble, she did not know how much she lost.

^m Crawford's *Officers of State*, 85, which quotes the charter, in the public archives. Gordon, in his *History of the Gordons*, 1726, printed this charter, in his App. No. xx. which has nevertheless remained quite unknown to the Scottish historians; and therein Robertson might have read it, if he had been an historian of much reading. What more was wanting to give Huntley a complete title to the earldom of Murray, but the Queen's confirmation, when she came of age? He assumed the title of Earl of Murray.

ⁿ See the Appendix to this Mem. No. vii.

He continued Chancellor, however, and served her throughout the difficult times, which ensued; owing partly to the Lord James, who promoted disturbance; in order that, he might guide the storm. On her death bed, in June 1560, she is said, by those, who wrote deliberate falsehood, to have blamed Huntley, for his advices; but, she ought to have confessed her own misconduct: she began her corrupt career by procuring pardons, for the assassins of Cardinal Beaton, an offence so great, as to admit of no pardon; she proceeded, to court the innovators, with the Lord James, at their head, who only supported her measures, to betray her, by carrying special points: On the contrary, her duty required, that she should support the laws of the land, with the constitutional aid of the principal nobles: Argyle, Lord James, and Secretary Maitland, only remained, with her, long enough, to betray her; and then pretended to remove her, from the regency, which she had derived, from the three estates, a power, irreversible, by faction.*

* She took the great seal, from Huntley, and gave the keeping of it to Rubie, a French advocate, while he continued Chancellor. Huntley is said to have entered into an association with the Duke of Chattelherauld, to drive out such foreigners. [*Officers of State*, 85.] The Queen-regent did not, sufficiently, advert, that the safety of her govern-

When the death of Francis II. became known, in Scotland, however, Cecil endeavoured to conceal it, Huntley, and other nobles, sent Lesley, to offer the homage of their services. When the Queen returned, she appointed Huntley of her Privy Council, and returned to his faithful custody the great seal ;^p thus trying, perhaps, to act upon that balance of parties, which is so salutary, when discreetly effected, yet so dangerous, when unfitly used.

We are now arrived, at that epoch, in the life of Huntley, when the all-grasping minion, privately, obtained, from the easy faith of the Queen, the earldom of Murray, and lordship of Abernethy, with their valuable accompaniments of men, and revenue.^q The minion seems him-

ment, and the protection of her person, depended on the attachment, and aid, of the great nobles, who were the strong pillars of a falling state. On the arrival of Mary, though she put her sceptre into the hands, which were stretched out to seize it, she intrusted the great seal to Huntley, who had held it so long, in the difficult times of her lengthened minority.

^p Keith, 187 ; Crawf. *Officers of State*, 85.

^q *Privy Seal Reg.* xxxi. 45-6 ; This grant was made, under the privy seal, because the Earl of Huntley held the great seal : and the grant was meant to be concealed ; as, indeed, it was, even, from Randolph, the Prior's friend. Five days after, the Queen granted him letters of legitimation, though he had been legitimated eleven years before, as we

self to have been aware, that the Queen's grant, under the privy seal, did not make a perfect title. He had, probably, not yet formed his plan, for taking possession of the earldom of Murray : And he, therefore, solicited, and, as minion, easily, obtained, from the Queen's facility, on the 10th of February 1561-2, a grant under the privy seal, of the earldom of Mar, which was claimed, from ancient times, and titles, by his relation, Lord Erskine : But, intending to seize difficulty, by the forelock, he openly assumed the title of *Earl of Mar*, though his grant, under the privy seal, was but an insufficient warrant.* He, perhaps, only meant, by this conduct, to conceal his real design on the earldom of Murray.

We are thus conducted to the question, whether, at the epoch of those grants, in January 1561-2, there existed a plot, by Huntley, against Lord James ; or whether Lord James had not formed a plot against the Earl of Huntley. Here, then, is one of those problematical points, which so disfigure the history of Scotland, in that factious, and fanatical age. The contemporaneous historians, indeed, Buchanan, and Knox,

have already seen. *Ib.* 2 ; *Ib.* xxiv. 52. Like other impostors, the Lord James seems to have had a strong passion, for making surety double sure.

* *Privy Seal Reg.* xxxi. 2.

are so positive, that there was a plot, by Huntley, against the Lord James, that Mad. de Keralio, with all her research, and readiness of observation, speaks, familiarly, of *Huntley's plot*. The historian of Mary, with his usual prejudice, has raised a vast fabrick of charges against Huntley, without the slightest foundation.* The records, and state papers, evince a conspiracy, by the Queen's minion, against an innocent noble; but, there is no evidence of a conspiracy, by Huntley, the Chancellor, against her corrupt minister.

* Robertson's *Hist. Scot.* Edit. 1787, i. 292-3. The historian was so ignorant as not to know, of the grant to Huntley, in February 1548-9, which has been already mentioned; he was so idle, as not to have examined the statement of the several grants of the earldom Murray to the Lord James, which were stated, in the Additional Sutherland Case, 1770, by the late Lord Hailes. Dr. Robertson states, "that Buchanan's account of this whole transaction appears to be so void of truth, and even of probability, as to deserve no serious examination." Yet, has the doctor taken the greatest part of his story of this transaction, from Buchanan's account, which he thus stigmatizes as void of truth; while he avoids quoting Buchanan, for his authority: The whole account of the Queen, and her minion's expedition into the north, for ruining Huntley, which was given, by the Doctor, is chiefly taken from Buchanan, and Knox, two of Huntley's bitterest enemies, and two of the greatest liars, that ever disgraced history; and is a tissue of

At the epoch of the Queen's return, in August 1561, Huntley, no doubt, stood at the head of the loyal party, who opposed the ambitious, and corrupt purposes of the Commendator, who had long practised fraud, and now aimed at violence; and it was the duty of the Chancellor, to warn the Queen of her own insecurity, and the danger of the state.¹ Yes; said Randolph to Cecil; I hear, that the Earl of Huntley tickleth her [the Queen] in the ear, with *some untruths*;"² and Buchanan calls the warnings of Huntley *calumnies*, after events had verified the intimations of truth. That honourable conduct of Huntley drew upon him the enmity of the Commendator, who never

falsehood, and misrepresentation, that is woven with an affectation of apparent impartiality. But, the records, and state papers, shall decide, between the Doctor's statements, and the real truth. See the Appendix to this Memoir, No. VII.

¹ Randolph wrote to Cecil, on the 24th of September 1561: "It is said, that the Earl of Huntley, and the Lord James greatly discord;" and in the same letter, Randolph adds: "It is suspected, that the Lord James seeketh too much *his own advancement*, which hitherto little appeareth, for any thing that ever he received, worth a groat." Keith, 191. He had pretty early received the rich priory of St. Andrews, and the priory of Pittenweem, in Scotland, with two benefices in France of great value.

² Letter of the 24th of October 1561. [Keith, 195.]

ceased to pursue whosoever dared to oppose his practices, till that ambitious man had obtained their ruin.*

The Earl of Mar was too much practised in affairs not to know the value of secrecy: He carefully concealed, that he had obtained a grant of the earldom of Murray, as early as the 30th of January 1561-2. He, studiously, watched, for an opportunity of taking possession of the

* The following is a genuine picture of Lord James's conduct, which was drawn, by the convention of Nobles, and Prelates, which sat, at Dumbarton, in September 1568: —“ Shortly after our sovereign's homecoming from the realm of France into Scotland, the Earl of Murray having respect then, and as appears yet, by his proceedings, to place himself in the government of this realm, and to usurp this kingdom, by his counsel, caused the Queen's majesty become so subject unto him, as her grace had been a pupil; in such sort, that her highness's subjects had not access unto her grace, to propone their own causes, or to receive answer thereof, but by him, alone; so that he was recognised, as prince only, and her majesty but a shadow. And, whoever presumed to find fault with his abuses, he did pursue them, with such cruelty, that some of the principal men he caused to be put to death; destroying their children, houses, and memory; and caused others to be banished the realm, and put other noblemen in prison, and detained them there.” Such, then, is the genuine picture of the Commendator's tyranny, as drawn by seven earls, twelve lords of parliament, eight bishops, and eighteen abbots. Goodall, ii. 352-57-8.

country, and of over-reaching Huntley, in the details of law, and the practice of affairs. An event happened, on the 17th of June 1562, which completely answered his insidious purpose. Sir John Gordon, Huntley's third son, and James Ogilvie quarrelled, and fought, in the street of Edinburgh, about their private property, when Ogilvie was wounded in the arm, and several of Gordon's servants, were, also, wounded, in this hasty scuffle of spirited men.⁷ The magistrates promptly interposed; imprisoned the parties; and sent notice to the Queen, at Stirling. Murray heard, with great satisfaction, of this event. He saw Huntley's son, in his power, and he resolved, that both should feel his vengeance. He easily obtained the Queen's authority, to repair to Edinburgh; in order to direct what should be done in this weighty affair.⁸ By his direction, Ogilvie and his associates were set at liberty: But, Sir John Gordon was committed to the common gaol; wherein, he remained a month; and then made his escape, from the rigours of Mar, his father, Huntley, being confined to his house, in the

⁷ Doctor Robertson calls Ogilvie, Lord Ogilvie; but, this person was only James Ogilvie of Cardel, a son of the late Alexander Ogilvie of Findlater.

⁸ See the Queen's letter to the magistrates of Edinburgh, dated the 28th of June 1562, in Keith, 223.

north, with some bodily infirmity.^a The Earl of Mar made his own use of this incident. Sir John was summoned to appear in the Justice-court, at Aberdeen, on the 31st of August, then next, to answer for his contempt. And, the Queen was, artfully, induced, to make a journey into the north, on the pretence of distributing justice, but with the real, though concealed, object, of putting the Earl of Mar in possession of the earldom of Murray, and of crushing Huntley, and his power. Robertson considers Sir John Gordon's breach of the peace, as the greatest insult, which had been offered to government, since the Queen's return: but, he might have excepted the tumult, which was raised, in the Queen's palace, on the first Sunday, after her arrival, when she went into the chapel-royal, to worship God, in her own form: The Doctor declares, that a great example was necessary to be made: But, he forgot, that the Commendator, when the Queen's Lieutenant on the borders, made two such examples, at Jedburgh, and at Hawick, as would not disparage the worst administration, in the worst age.^b

^a Randolph's letter to Cecil of the 1st of August, in the Paper Office.

^b Doctor Robertson, as he knew not of the private grant of the earldom of Murray to the Commendator of St. Andrews, as well as the right of Huntley, and his wife, to

The journey of Mary into the north was suddenly resolved on, soon after Sir John Gordon's escape; as we see nothing hinted of such an excursion, in Randolph's letters to Cecil of the 1st and 4th of August, when the Queen seemed, wholly, bent on the very different journey of a meeting with her good cousin, the English Queen. Yet, was the resolution taken of the northern journey, before the 10th of August; as we may learn, from Randolph's correspondence.^c From the nature of such a

the same earldom, which was, plainly, violated, by that grant, founds his vindication of the Commendator, Earl of Mar, on the supposition, that he had no object in carrying the Queen to the north, and no business himself, so far north, as Tarnway, and Inverness: And, the Doctor, being unable to assign any reasonable cause, for her expedition, says, the Queen *happened* to set out on a progress into the northern parts; and took the occasion to hold a Justice-court, at Aberdeen. Thus it is, to write history, without a knowledge of facts; and to rely, on the lies of Buchanan, and the fictions of Knox! The historian is so absurd, as to quote letters, from the ambassador Randolph, and Secretary Maitland, which were written *after the death* of Huntley, as proofs of a prior *conspiracy of Huntley* against the Lord James, *before* that corrupt minion brought the Queen into the north, for putting him in possession of his earldom, under an unfit grant, and *before* the artifices of that minion had forced Huntley into an unwilling resistance to his illegal measures.

^c On that day, Randolph informed Cecil: "From Stirling,

country, we now know, that she did not *happen* to think of such a progress ; and from Randolph, we learn, that it was premeditated, though not by herself : Her ministers told her, as other princes are told, by their servants, that those northern parts of her kingdom were greatly disturbed, and could not be settled, without her own presence. And, she would, naturally, say, in return, if that were so, she would make such a journey, for such an end, though she was perplexed, with more interesting matters.

While those preparations were made, for that odious journey of 250 miles, through a rugged country, and wretched roads, the Queen remained, at Edinburgh, from the first, to the eleventh, of August ; She now set out, for Stir-

the Queen taketh her journey, as far north, as Inverness, the farthest part of Moray, a terrible journey, both for horse and man, the countries so poor, and the victuals so scarce. It is her will, that I shall attend upon her thither. It is thought, that it will be a voyage, of two months, or more. It is rather *devised by herself*, than greatly approved by her Council." Thus far Randolph's letter to Cecil, of the 10th of August, in the Paper Office. But, who told Randolph all this ? The minion, Earl of Mar, and Secretary Maitland, who meant to impose upon him, and, through Randolph, upon the English court. The secret was carefully kept, from Randolph, as well as the object of the journey ; as the grant of the earldom of Murray, in January 1561-2.

ling, where she remained, till the 18th of August.^d To Stirling was she accompanied, by Randolph, as a spy; and to Stirling was she followed, by Knox, as her evil genius: Here, she learned, that Elizabeth was preparing forces against her relations, in France; that many of her own subjects were ready to join the English army, for the wages of corruption: And, here, had she cause to suspect, that Knox had been prompted to follow her, with his usual perseverance of religious zeal.^e

After all those mortifications, she set out, on the 18th of August, for Inverness, not on a private progress, but accompanied, with her ministers, her officers of law, and, above all, by the Earl of Mar, who was now expectant Earl of Moray, with his trusty myrmidons: But, she did not arrive, at Aberdeen, till the 27th of the same month.^f Here, the Queen remained,

^d From a MS. Diary of the Queen's journey.

^e Randolph's unpublished letter to Cecil of the 16th of August, from Stirling, in the Paper Office.

^f From Old Aberdeen Randolph wrote to Cecil, on the 31st of August: "The Queen, in her progress, is now come, as far, as Old Aberdeen: The most part of her noblemen are presently with her, the Duke excepted, with whom she is now well pleased, and the Earl of Mar, and he, reconciled. Huntley is here, not well, in his prince's favour; and how well that man doth deserve, your honour knoweth, by his upright dealing with all men, that he hath to do with:

with her whole court, till the 1st of September : And here, did the Earl and Countess of Huntley come, to offer the Queen the homage of their respect ; and to invite her to Huntley-castle, where they had made great preparations, for her entertainment ; but, the Queen refused such an invitation, from such personages, by the advice of her counsellors, as we may infer, from Randolph's letter to Cecil : Here, they had committed no crime, and given no offence ; but, the Earl of Mar, with his usual artifice, and falsehood, had induced the Queen to believe, that so great an officer, as the Chancellor, was implicated in his son's guilt ; and had

The Queen will not *yet* grant that she will go into his house, though it be within three miles of her way, and the *fairest, in this country* : That purpose of hers, I know, will be broken ; for so, her Council findeth it expedient." This letter is in the Paper Office. All this while, Huntley was the Chancellor, and a Privy Counsellor. But, we hear nothing of any plot, either against the Queen, or the Earl of Mar ; though Mary must have had strange stories told her, to treat such a man, as Huntley, the friend of her father, the supporter of her youth, in such a manner ; as we have learned, from the wretched prejudice of Randolph. When the charges against Huntley were put, by Murray, into legal form, nothing was stated against him, previous to the 31st of August, current. [Act of Restoration of Huntley's family.] This proves, the non-existence of any plot, by him, before that date.

even conceived a plot to seize the Queen's person, and to marry her to one of his sons. But, if the queen would believe this, of such a man, her credulity must have been, without bounds. Sir John Gordon appeared, in the Justice-court, at Aberdeen, on the 31st of August, as required; surrendered himself to justice; and, on the morrow, was ordered to enter himself a prisoner, in Stirling-castle.^a But, as he was not tried, where justice would have been done, and Stirling was kept, by Lord Erskine, the Earl of Mar's uncle, Sir John did not obey that rigorous decision of his avowed enemies.

The Queen, who appears to be thus acting, from improper advice, though contrary to her accustomed courtesy, set out, from Aberdeen, on the 1st of September; and, in order to avoid Huntley's residence, went, by Rothiemay, Grange, Balvenie, and Elgin, to Tarnway, on the 10th, without hearing of any disturbance, where none existed. Here, on the 10th of September, was there another proceeding of the Privy Council, against Sir John Gordon; charging him to surrender into the Queen's hands, his houses of Findlater, and Auchendown, on pain of treason.^b In that council, sat, for the

^a *Privy Council Reg.*; Keith, 225.

^b Keith, 225. There had been, hitherto, no proceeding against Huntley, though he was, no doubt, mortified, by this

last time, the Commendator, Earl of Mar, who now produced his privy patent, for the Earldom of Moray, and then assumed the title of Earl of Murray. If this title had been as legal, as it was informal; yet, Huntley having adverse pretensions; the Lord James, even with the aid of the Queen's presence, could not lawfully take possession of the Earldom, and mansion-house, without some legal proceeding: The conduct of Lord James, thus burdened with insufficient titles, was as violent, as it was illegal; and the Queen contributing, by her presence, to this violence, and to that illegality, lessened her own dignity, and lost her many friends.

On the 11th of September, the Queen set out, from Tarnway, for Inverness; where, she remained but a few days; the only purpose of her minister being, to wrest the castle, from Huntley's heir, to whom the keeping of it belonged, hereditarily, as well as the Sheriffship of Inverness-shire.¹ The castle was taken, from

persevering prosecution against his son, for a hasty scuffle, in the streets of Edinburgh, aggravated, indeed, by his subsequent conduct.

¹ The Sheriffship of Inverness-shire, and the custody of the castle, with several lands, appertaining to it, belonged, hereditarily, to Huntley, without any connection with the Earldom of Moray. In 1556, Huntley vested those here-

the Governor, promptly :—He was neither allowed time, for consideration, nor opportunity for obtaining the consent of the Castellan, for surrendering his trust : The castle was taken, by force, and the Captain was, instantly, hanged, under very questionable authority.^k If the Lord Gordon had a legal title ; then the Queen herself could not dispossess him, without some legal process : this grant being made to Lord Gordon, while she was under age ; yet, she could not recal it, when she came to the proper age, for that effect ; but in a legal mode : The demanding of pos-

editary offices in his son, George, Lord Gordon, who obtained a charter for them, from the Queen, upon his father's resignation, on the 7th of August 1556. [*Privy Council Reg.* xxviii. 35.]

^k Dr. Robertson, who writes too much from *supposition*, and too little from *facts*, states, that, *Huntley's disobedience, in refusing to surrender the castle of Inverness, was the cause of the Queen giving the Earldom of Moray to the Earl of Mar.* What ignorance ! Huntley did not hold the castle of Inverness ; as it was held, under a legal title, by Lord Gordon : And, neither the one nor, the other, refused to surrender the castle, as neither was present, and neither knew, that the surrender would be asked. As soon as Huntley heard, that the castle was summoned, he sent, with all diligence to the Governor ; desiring him to surrender it ; but, the Captain, or Governor, Alexander Gordon, was hanged, before he could receive this direction, from Huntley, on his son's behalf. [*Anderson's MS. Hist. Scot.* iii. 37.]

session, by an armed force, in time of peace, was illegal, and unwarrantable, in the Queen herself, much more in her minion, the Earl of Murray, who commanded that force, and was guilty of an outrageous murder, of the Governor, who had no proper notice of any legitimate demand.

The Queen, who was praised, for her manhood, in this military exploit, immediately left Inverness; and slept, on the 15th of September, at Kilravock; whence, on her return, she proceeded, on the morrow, to Tarnway; and, on the 17th, she went to Spynie-castle, the seat of the Bishop of Moray. From this episcopal palace of ancient note, Randolph wrote, on the 18th, a dispatch to Cecil; in which he says; “It may please your honour to know, that the Queen hath given the Earldom of Moray to the Earl of Mar; it is both more honourable, and greater in profit, than the other: He is, now, no more *Mar*, but *Murray*.”¹ It is evident,

¹ The above dispatch is in the Paper Office. In a subsequent letter, from Randolph to Cecil, of the 30th of September, he states the great loss, which Huntley sustained, by the grant to Mar; and the great power of men, and money, which the Earl of Murray acquired by it: He added, that the country is pleasant, but the place, called Tarnway, was ruinous, saving *the house*, which is very fair and large, built, like many, that I have seen, in England. *Id.* Though

from Randolph's mode of writing, that the grant of the Earldom of Moray had been concealed from him, and the world, till the avowal of it, at Tarnway; and even the date of it had been so concealed, as to induce Randolph to suppose, it had been then made.

The Queen, on her progress, of return, left Spynie, on the 19th of September; and going by the way of Cullen, she arrived, at Aberdeen, on the 22d, where she remained till the 5th of November. If we compare the conduct of the rival Earls, it will appear, that nothing illegal, or unfit, had been done, by Huntley: When he came, with his Countess, to offer their duty to the Queen, and to invite her to their castle; the refusal of this courtesy to such eminent persons was an outrage, for which the Queen's minister was answerable: The entry into his

Murray relinquished the Earldom of Mar to his relations, the Erskines; yet, he contrived to strip that Earldom of its principal estates: He obtained on the 22d December 1564, from the Queen, to him, and his heirs, in fee-firm, the extensive lordships of Braemar, Cromar, and Strathdee, which belonged to this Earldom of Mar. [*Privy Seal Reg.* xxxii.] And this grant was ratified, in Parliament, on the 19th of April 1567. [*Acta Parl.* 555-7.] The Earldom of Mar, after being thus plundered, by the Queen's minion, was granted to his uncle, John, Lord Erskine, on the 22d of June 1565. [*Privy Seal Reg.* xxxiii. p. 70.]

message of Tarnway, without any notice to him, though the Queen was present, was an illegal insult offered to Huntley: And the attack on the castle of Inverness was an outrage to Lord Gordon, while the hanging of his officer was a murder, by the Queen's minion; the law not allowing any person to be put to death, but by legal means: The whole conduct of the Queen's minister, on that occasion, was outrageous, and illegal, while the conduct of Huntley, hitherto, was circumspect, as well as lawful. The Queen might now have returned to her capital, having done every thing, that was fit, and much, that was unfit: But, she was retained, at Aberdeen, by her counsellors, during six weeks; to enable her violent minister, to inflict his vengeance on Huntley; and she, thereby, partook of his moral guilt.

But, there was no other means of imputing criminality to Huntley, than by implicating him in the guilt of his son: And his offence, originally, was only a breach of the peace, which was aggravated into a contempt of the Queen's authority.^m For effecting Huntley's ruin, Mur-

^m On the 30th of September Randolph wrote, from Aberdeen, to Cecil: "*It is determined, out of hand, if it be possible, that the Earl of Huntley shall either submit himself, and deliver his disobedient son, John, in whose name all his*

ray, and Maitland, studiously endeavoured, to entrap him into some act of disobedience to the Queen's commands, whether fit, or unfit : Having learned, that Huntley had, at his castle, a cannon, that had been given him, by the Regent Arran, while he was Lieutenant in the north, the minister sent Captain Hay to charge Huntley, in the Queen's name, to deliver this cannon, and to carry it four miles, from his house : Though this cannon was dismounted, and the time allowed was short, yet did he,

pageants have been wrought, or *utterly to use all force against him, for the subversion of his house, for ever* : For this purpose, the Queen remaineth, in this town, a good space ; being the most convenient : For this cause, she hath levied 120 harquebusiers, to use, as she findeth occasion ; and hath, also, sent into Lothian, and Fife, for such as she intendeth to employ ; as the master of Lindsay, Grange, and Ormiston " This letter is in the Paper Office. He afterwards informed Cecil of the Queen's purpose to hold Justice courts, in which great severity would be used against Huntley's friends : And, that more troops were to be raised, for crushing Huntley. [*Id.*] We here see sufficient evidence of the design of Murray, and his faction, having the Queen, in leading strings, to crush Huntley. Again : the Queen was implicated, in the moral guilt, of a government so outrageously violent, and altogether tyrannous. If she was so credulous as to believe what was told her by Murray, and Maitland, against Huntley, her credulity, in such a case, was her crime.

punctually, obey the Queen's order: And he sent a dutiful message to the Queen, "that, not only that, which was her own, but, also, his body, and goods, were *at her grace's command*;" that he found it strange, however, he should be so hardly dealt with, for his son's offences, whereunto he was never privy, nor they, in his power to correct; that for the taking of those houses which were held against her grace, he would be the first, who would hazard his body, if her grace would give him such a charge.

The soothing messages of Huntley, and his wife, who appears to have been a woman of address, were sent in vain. The Queen's minion had devoted Huntley, and his friends, to destruction. Additional soldiers were raised; and the adherents of Lord James, during the revolutionary scenes of 1558, and 1559, were summoned, to assist, in crushing the most eminent earl of the land. As the plan for entrapping Huntley into treason, had failed, owing to Huntley's caution, another project was attempted, on the 9th of October, for seizing his castle, and himself; which, also, failed, from his own flight, and his wife's management: She opened the doors of the castle to the besiegers, who could find nothing suspicious, within the walls, nor discover any thing, that

could afford matter of proof.^a Huntley was not only careful to avoid offence himself; but he also endeavoured to frustrate the minion's malice, to implicate him in his son's disobedience: As Sir John had been charged to surrender his castles of Findlater, and Auchen-down, Huntley caused those castles to be evacuated, and sent the keys of them, on the 8th of October, to Aberdeen, by one Kear, a trusty friend. The keys were now offered to Murray, to Secretary Maitland, to the Queen, who all refused them; saying that other means had been provided, for obtaining possession of the castles. Murray even caused Kear, who brought the keys, with his brother, to be committed to prison, as suspected persons.^o We may now

^a Randolph's letter to Cecil of the 12th of October 1562, in the Paper Office.

^o *Id.* This refusal of the keys took place, on the same morning, that the parties were sent to seize Huntley-castle. In the same letter of the 12th of October, Randolph informed Cecil of the purpose, *to have Huntley openly denounced rebel*, which would prevent him from having succour of any of his adherents; and that way they [the ministers] think utterly to overthrow him. Randolph also stated, that there were practices already in hand, *for getting Huntley betrayed, by those in whom he trusted*; and he concluded, that in the Highlands, to which Huntley had retired, there were no want of *good fellows*, to be instruments of any such purpose. [*Id.*]

perceive, that nothing could save Huntley, from ruin. As he had retired to Badenoch, to avoid those snares, Murray cased an Ordinance of Council to be passed, on the 15th of October, that if George, Earl of Huntley, do not appear, on the morrow, the 16th of October, to answer such things, as shall be laid to his charge, he shall be denounced rebel, for his contempt, and his houses shall be seized.^p He was accordingly, denounced rebel, on the 17th of October, for not doing what it was impossible for him to do.^q The Countess, hearing of such measures, repaired towards Aberdeen, on the 20th of October ; in order to present herself to the Queen, and to supplicate justice, for her husband : But, when she had advanced, within two miles of the city, she was stopped, by the gentleman, whom she had sent forward, to request an audience ; and who informed her, that the Queen would not see her : The Countess now returned to her castle, loaded with sorrow.^r After this outrage to that dignified woman, the

^p Keith, 226.

^q Randolph's letter of the 23d of October, in which he intimates, that Huntley was then, in Badenoch, two days journey, from Aberdeen.

^r Randolph's letter to Cecil of the 23d of October, in the Paper Office.

Earl sent a message to the Court ; offering to enter himself into ward, till his cause should be tried, by the whole nobility : but, a proposition, so consistent with justice, was, also, refused.* In all this we see the very definition of tyranny, which was natural, in Murray, and his faction, but, absurd in the Queen, who was acting against her own interest and character.

As soon as Huntley had been thus denounced a rebel, Murray, called out additional forces ; and he let loose upon the devoted victim, the clans of Forbes, Lesley, Grant, Mackintosh, and other enemies of the Earl ; to pursue him, and his adherents, with fire, and sword.† When Huntley was informed of those events, denouncing him a rebel, for not appearing at Aberdeen, he returned to his Castle, and assembling his friends, and adherents, he advanced southward, on the 28th of October, and encamped on the hill of Fare, lying about fifteen miles, from Aberdeen.‡ Murray, hearing of

* Anderson's *MS. Hist. Scot.* iii. 37.

† Randolph's letter to Cecil, of the 23d of October, in the Paper Office.

‡ Murray, and his faction, gave out, that Huntley's purpose was, to march into Aberdeen, and seize the Queen's person ; but, so absurd a story cannot be true : For, she was surrounded, by a large body of men, with some of the best warriors, in Scotland ; while Huntley had not more than

Huntley's advance, marched out, as the Queen's lieutenant, with 2000 well-appointed men ; and surrounded the devoted Earl, with his adherents. Huntley surrendered himself a prisoner ; as did his son, John, the author of all the mischief, according to Randolph ; and also, a younger son, Adam, a boy of seventeen. About 120 of Huntley's followers were slain ;* and as

500 supporters, who had been hastily collected, to do him honour, rather than to fight ; as Randolph, who had two servants on the field, expressly states, in his letter of the 2d of November, in the Paper Office : In this, he corrected his former letter of the 28th of October. Doctor Robertson, who never saw those instructive letters, grossly misrepresents the whole circumstances of that affair, at Corrichie : He says, Huntley advanced with a considerable force towards Aberdeen, and filled the Queen's *small court*, with the *utmost consternation* ; and that Murray had only a handful of men, in whom he could confide ; but, by his steady courage, and prudent conduct, gained a miraculous victory : For the assertion of Murray's having only a *handful of men*, he quotes Keith, 320, in which, there is not one word of *the force*, at Corrichie, on either side ; the force, there spoken of, is what the Queen had about her, *two months before*, on her first progress into the North, not on her return, at Aberdeen, after new troops had been raised, and old ones summoned, to that premeditated, and barbarous scene.

* Randolph states, that many of Huntley's men *threw away their spears*, and endeavoured to escape ; but Murray and his company intercepted them, drove them back, and slew about 120, and took, as many more ; and he adds, that

many were taken prisoners, of whom many were executed. The scene of this slaughter was a hollow, which was called, in the ancient language, *Corrichie*, in the hill of Fare. "The Earl of Huntley," says Randolph, "after he was taken without either blow, or stroke, being set upon horseback, before him, that was his taker, suddenly falleth, from his horse, stark dead, without a word, that he ever spoke, after he was upon horseback."⁷ The earl's body was thrown across panniers; and so carried to Aberdeen, where it was laid in the Tolbooth.⁸

Huntley's two sons, Sir John, and Adam, were carried prisoners into Aberdeen; where, a few days after, Sir John was tried, and condemned in a Justice court, on the 2d of November; and, immediately, beheaded. Adam would have shared the same fate; but the Queen revolted at shedding the blood of a youth, whose only offence was, in being with his father, without knowing, perhaps, his purpose:⁹ Adam Gordon lived, to be one of the most gallant,

on *Murray's side there was not one man slain*, but several were hurt. Letters to Cecil, in the Paper Office, 28th October, and 2d November 1562.

⁷ Letter to Cecil, 28th of October.

⁸ Knox, 320.

⁹ Keith, 228; Pitscottie, 215: This last writer adds, that other five gentlemen of the name of Gordon, were hanged, at Aberdeen, on the 30th of October.

and successful commanders, who struggled, in many a desperate field, to keep alive the last spark of the Queen's authority, in Scotland. Well might she revolt, when she saw her authority, name, and person, employed, in carrying on such illegal, and barbarous proceedings, as Scotland had, scarcely, ever seen before ; as such unprincipled miscreants had not till now been admitted, to rule this unhappy land : In the effluxion of five guilty years, the same rulers offered similar outrages to the Queen herself, by assassinating her Secretary Rizzio, in her presence ; by murdering her husband, Darnley, in her metropolis ; by dethroning, and expelling herself, from her kingdom. The Earl of Sutherland, who had attended the Queen, during her progress, seeing the purpose of Murray, by means of the Queen's acquiescence, in what was told her, by ministers, who had an interest to deceive her, to crush his relation, Huntley, is supposed to have communicated some intelligence of his danger : This conduct being discovered, by finding, or forging, a letter of Sutherland, he was forfeited, with Huntley, on the 28th of May 1563 ; and he only saved his life, by fleeing, from a country, which was no longer safe, for honourable men. It is a memorable fact, that Huntley, and Sutherland, were two of those nobles, who had sent Bishop

Lesley to France, with offers of duty, and services, to the Queen ; while Murray, Maitland, and other considerable men, offered their duties, and services, to Elizabeth.

From this great example, it is quite apparent, that Murray might have easily ruined any other family, in Scotland, by carrying, with him, the Queen, and her government, with Secretary Maitland, to propagate falsehoods, and to pen forgeries, appropriate to the object. While these proceedings were thus carrying on, at Aberdeen, for ruining Huntley, and his family, and his friends, his eldest son, Lord Gordon, who had married the Duke of Chattelherault's daughter, lived with his father-in-law, at Hamilton.^b But, in order to effect Murray's whole purpose of "the utter subversion of Huntley's house, for ever," it was essential, that his innocent heir should be involved in his father's ruin ; and, unluckily, for Lord Gordon, he held, in his own right, several *heritable* offices, and valuable lands, which Murray coveted, and could only obtain, by Lord Gordon's forfeiture.^c Lord

^b Randolph's letters.

^c After that guilty proceeding, the Earl of Murray acquired, from the Queen, who could refuse him nothing, but her sceptre, and Darnley, a grant of the heritable office of Sheriff of Inverness-shire, with the custody of the Castle of Inverness, and various lands, which were attached to the

Gordon was, therefore, arrested, and committed to prison, after the Queen's return to Edinburgh. Here, was he confined, during several months; and without summons, or any warning, was he produced, in a Justice-court, which was held, by Argyle, the Justice-general, the brother-in-law of Murray, on the 8th of February 1562-3. In this court, was he refused the aid of counsel, or a copy of his charge, or communication with his friends, nor was he allowed to make objections to the jury, or witnesses: And he was of course found guilty of concealing the treasons of his father, and brother, which they had never conceived; he was condemned, as in cases of treason, *at the Queen's pleasure*.^d As the Queen would not give her authority, for his execution, on such a sentence, he was confined, in Dunbar-castle, till Murray's baneful influence, with the Queen, no longer disgraced her government.^e On that event,

Castle, on the 6th of May 1563. [*Privy Seal Reg.* xxxi. 94-5.]

^d The Earl of Huntley, and the chiefs of the several families of Gordon, were tried in Parliament, during the following May: But, the injustice of Lord Gordon's trial was too apparent, for the approbation of a Parliament, which was wholly under Murray's influence. [*Parl. Record*, 774.]

^e Gordon of Straloch states, that Lord Gordon, narrowly, escaped an attempt of Murray to have him executed, in the

when the Queen wanted help, Lord Gordon was liberated ; restored to the estates, and the honours of his father ; his forfeiture was formally rescinded, by a healing Parliament.^f

Castle of Dunbar, by means of a forged warrant, under the Queen's hand, for his execution : This relation was given him, by his father, Gordon of Pitlurg, who lived, at the time, and was the confidant, and trustee of Lord Gordon. Crawford's *Chancellors*, 91. A similar statement is given, from an old MS. by Dr. Patrick Anderson, in his *MS. History of Scotland*, iii. 38. This same story is told, at full length, in Majorybank's *Annals of Scotland*, 14-16.

^f When the Queen was returning, from her disgraceful progress, into the north, she was met, at Dundee, on the 12th of November, by the Duke of Chattelherauld, who came to solicit her favour to Lord Gordon, his daughter's husband : But, the solicitation of the Duke, the second person, in Scotland, and the heir presumptive to the crown, by the advice of the Queen's minion, was refused : He was even ordered himself to arrest Lord Gordon, and deliver him to prison. The Duke, fearing the consequences of disobeying such an order, brought his son-in-law to Edinburgh, on the 28th of November, when the prisoner was committed to the Castle of Edinburgh. Keith, 229-31 ; Randolph's *Letters* ; Pitscottie, 215 ; Knox, 231. Anderson's *MS. Hist. of Scot.* iii. 38. The policy of this order is pretty apparent : Murray looked on the Duke, as second person, in the kingdom, and heir presumptive of the crown, with an evil eye : Though he had conciliated the Duke, when he set out to ruin Huntley, who was connected, by marriage, with the Duke, the minion never lost sight of his purpose to acquire the crown. [Goodall, ii. 358.] Had the Duke failed in exe-

On the fall of Huntley, armed men were sent, to take possession of his castles, and to rifle his property. The plunder was collected at Aberdeen; and thence shipped to Leith: In the Treasurer's accounts of November 1562, there is a charge of 30*l.* 7*s.* for the freight of that unhallowed cargo. The numerous friends, and vassals, of Huntley, were prosecuted, and fined to an enormous degree. A great many escheats were granted to those, who had assisted, in crushing that unfortunate noble: and much other forfeited property was sold to the friends of the accused persons, as we may learn, from the Privy Seal record, which contains many remissions, which were sold, for high prices. When the Queen, and her chief advisers, left Aberdeen, on the 5th of November 1562, Richardson, the Treasurer, M'Gill, the Clerk-register, Spens, the Advocate, and Wishart, the Comptroller, were left behind, to levy amercements, to settle escheats, and to compound, for remissions.* The Queen, and her court, re-

cuting that malicious order, Murray had been supplied with a cause of denouncing him a rebel, and pursuing him to his ruin.

* Within a short period, there were levied on a wretched people, for amercements, and escheats, 3,409*l.* 15*s.*; and for the sale of remissions, 3,542*l.* 6*s.* 8*d.*; and much more was levied, after the period of this account, in the Treasurer's books.

turned, by Dunottar, Arbroath, Dundee, where the Duke met her, Perth, and to Stirling, on the 18th of November: She proceeded thence to Linlithgow, on the 21st; and on the 22d, she arrived, at Edinburgh: As the Queen had set out, from Stirling, on the 18th of August, and returned to it, on the 18th of November, she had thus spent three guilty months, on her disgraceful progress. Randolph's dispatches, from the 10th of August to the 18th of November, indeed, evince, that Murray, and Maitland, deluded the Queen into such a progress; and deceived both her, and Randolph, as to Huntley's conduct, and intentions: They even deceived Randolph, as to the Queen's conduct, upon whom they artfully cast the odium of the oppressive, and illegal measures, by which Huntley was driven to his ruin.^b But, Buchanan, and Knox, who considered Huntley's over-

^b It appears, that artifices were used, to throw upon the Queen the disgrace, attending the cruel, and illegal treatment of Lord Gordon. Knox, 321, says, "that the Earl of Murray laboured, at the Queen's hand, for the safety of Lord Gordon's life, which hardly was granted:" This representation is not only contrary to the fact; but is inconsistent with the real characters of the Queen, and her minister; as she was as much distinguished for her clemency, as Murray was, for his cruelty, to all those, who stood in the way of his ambition, or avarice.

throw, as a praiseworthy achievement, gave the credit of so great an action to the Earl of Murray, and, mention the Queen, as repining at his success.

On the 1st of November 1562, four days after Huntley's death, his bowels were taken out, and his body was salted; it was conveyed, by sea, to Leith, and was kept in Holyrood-house, for several months. On the 26th of May, the Parliament, which was to adjudge Huntley's body, was opened, when Murray carried the sword.ⁱ On the 28th, the dead body of Huntley was produced before the Parliament, and sentence of forfeiture was pronounced against him. The Countess, his widow, with the spirit of her rank, appeared before the Parliament, desired to be heard, by counsel, and protested against the proceedings: But, her request, and her protest, were equally disregarded.^k On the same day,

ⁱ Keith, 239. The Countess of Huntley had come to Edinburgh, a month before, to solicit the Queen; but, was debarred access to her: Randolph, on the 1st of May 1563, wrote to Cecil: "The Lady Huntley can get neither access, nor hope, in her suit." *Ib.* 239.

^k The Act of Huntley's attainder was repealed, by the Parliament of April 1567. See the history of the trial, in *absence*, and *after death*, in Hume's *Crim. Law*, ii. 455-59. The English law of treason was extended to Scotland, by

sentence of forfeiture was pronounced against John, Earl of Sutherland, and against eleven barons, and gentlemen, of the surname of Gordon. The same Parliament, which, under the influence of Murray, pronounced those forfeitures, also repealed, under the same influence, the forfeitures of four of the principal assassins of Cardinal Beaton: William Kirkaldie of Grange, Henry Balnavis, John Leslie, and Alexander Whitlaw, were the guilty persons, who were now saved harmless, from prosecution, for one of the basest of crimes.¹ These assassins were devoted adherents of Murray, and very fit instruments, for his blackest designs. Kirkaldie was one of the most active agents of Murray, in crushing Huntley; and Murray induced the Queen to reward him, with a pension of 250*l.* a year: He afterwards engaged, in Murray's conspiracy, for seizing the Queen and Darnley, in July 1565: He went into rebellion with Murray, and was pardoned by the Queen, and restored to his pension, by Murray's persuasion: He was one of the most enterprising conspirators, for dethroning a beneficent Queen; and acted, at the same time, as the spy of the

the Act of Union, which, virtually, repealed those abominable proceedings; whereby any one might be made a traitor against his will.

¹ Knox, 330.

Earl of Bedford, while Elizabeth's Lieutenant on the Borders :^m Grange died upon the gallows. Henry Balnavis was, also, one of the assassins of Beaton, and had a pension from Henry, and Edward, in reward : He was, by Murray's influence, made one of the Lords of Session, in February 1562-3 ; and he continued to serve Murray's purpose, throughout his career of conspiracy, and crime ; He was one of the assessors, who went into England, with his guilty protector, to accuse the Queen ; for which service, he was rewarded, by a gift of 300*l.* ; as we know, from the Treasurer's books. John Leslie, who first gave the Cardinal a deadly stab, was, also, rewarded, by Henry VIII., with a pension of 125*l.* a year, for his service ; and was now made secure, by statute. Alexander Whitlaw appears not upon Henry's pension-list ; though, as it should seem, he was worthy of that honour ; as he was one of the assassins of Rizzio. But, the most important act of this Parliament, was the Act of Oblivion, for all the offences done, from the 6th of March 1558-9 to the 1st of September 1561,

^m Kirkaldie's father, and himself, had both pensions, from Henry VIII., and Edward VI., for their agency in Beaton's assassination ; as we have already seen, from the English Register of Privy Council.

which completely covered the treasonous proceedings of Murray, and his guilty faction, during the rebellious years 1559, 1560, and 1561.^a

The contests, which ensued, for a time, between Murray and Knox, concerning the neglect of religion, and its professors, says Robertson, is a strong proof of the attachment of that statesman to the Queen: But, Murray's attachment to Elizabeth was greater, and his attachment to himself was still more.^o About

^a See the *Stat. Book*. So jealous were the leaders of the Parliament of 1563, on that head of *oblivion*, for the past, that the Estates were induced to enact, that it should not be lawful, for any future Parliament to derogate from this Act of Oblivion. At the Parliament, of 1563, little was done, for religion; though penalties were enforced on adultery, and *witchcraft*, *sorcerie*, and *necromancie*.

^o Randolph wrote to Cecil, on the 26th of June 1563, "not to open suspected letters; but, to send them to the " Lord of Murray, of whose service the Queen of England is " sure: The Queen of Scots," he adds, "being desirous to free " [from prison] the Archbishop of St. Andrews, could not, " although she wept, to see her power resisted, and opposed." Keith, 241. On the 19th of May, preceding, Murray caused the Queen to imprison the Archbishop, the Prior of Whithern, and others, for saying mass, at the preceding Easter. This, like much of Murray's administration, was a mere act of tyranny; as there was no law to justify such an outrage: The ancient religion still remained under the authority of law; and the new religion was merely tolerated:

that period, Murray is said to have made a proposal to the Queen, which points very plainly to his ultimate views: He advised her, at the age of one-and-twenty to make a settlement of the crown, on four families of the name of Steuart, who should succeed, intimating himself, as one of them. But, the fact is, that the crown had been already settled on the Duke of Chattelherauld, failing the Queen, and her issue: It was, however, an age of projects, which did not weigh objections, in very nice scales: And, nothing was too difficult, for the daring of Murray, who was supported, as we have seen, by Cecil, and favoured, by Elizabeth.^p

The proceedings of the Parliament, in May 1563, did not, by any means, satisfy Knox, who saw too little done, for the Kirkmen, and too much for the nobles.^q Knox certainly expected, that the Queen's minister would have obtained from her, and the Parliament, an Act, forestablishing *the religion*, and abolishing every other

The Acts of the Convention of 1560 were not laws, till they were confirmed, by the Parliament of December 1567.

^p See the *App.* to this Memoir, No. viii.

^q In that Parliament, which sat under the influence of Murray, who obtained, from it, a confirmation of his earldom, as well as the Act of Oblivion, [Knox, 330.] Knox says, sarcastically, "that the Act of Oblivion was passed, "as some lords had interest therein." *Ib.* 331.

worship: But, such an act would have suppressed the Queen's own mode of worship, and involved many interests, in great confusion. Disappointed, in those objects, Knox vented his rage, by railing bitterly against the Queen's ministers, who had been the *leaders of the Congregation*; and accused them of apostasy, servility, and selfishness. In consequence of this intemperance, Murray, and Knox, did not speak, familiarly, during eighteen months. In this falling out of two men, who both courted popularity, by different means, for different ends, Doctor Robertson pretends to find a strong proof of Murray's attachment to the Queen, while his real affections were with Elizabeth, on his own account; as we may learn from the intimations of Randolph.' During this rupture, however, Murray, constantly protected Knox, and his followers; as they were useful to himself, how much soever their irreligious conduct was offensive to a religious Queen. The followers of Knox broke into the Queen's chapel, at Holyrood-house, during divine service: Two of the leaders, in this outrage, were summoned to answer for their misconduct: And Knox, meantime, sent out circular letters, to summon his disciples, from all

¹ Knox, 331; Keith, 241.

parts, to Edinburgh, on the day, which was appointed for their trial. This was deemed, by the Privy Council, to be treason, in Knox, who had taken upon him to convoke the Queen's subjects, without authority: He was, for this treasonable offence, ordered to be tried: But, as Murray was then, in the north, the trial was postponed till his return. Every influence was used, privately, to induce Knox to acknowledge his offence, and to appeal to the Queen's clemency; but, every effort was used, in vain, to move Knox's obstinacy. He even justified what he had done, by the example of Murray, and the chief congregationalists, during late times, which the recent Act of Oblivion had covered, with forgiveness. He was again summoned before the Privy Council, consisting, chiefly, of his own disciples, with Murray, at their head, when he was acquitted of the imputed treason, which he avowed before them.* This absurd acquittal induced Doctor Robertson to remark, that it showed "the low condition, to which "the royal authority was then sunk; and the "impunity, with which subjects might invade "those rights of the crown, that are now held "sacred." The Doctor cannot be much praised, for the constitutional doctrines, that obscure,

* Knox, 338-43; Keith, 244-5.

rather than enlighten his history. There was, plainly, no want of royal authority, when Huntley, and his sons, were hunted down, by every stretch of undue authority. The acquittal of Knox, guilty, as he was, of treason, on that occasion, and of sedition every day, only evinces, that this fanatical anarch was now protected, by Murray, as he had long been, by Cecil; being a constant thorn, in the Queen's side. Randolph wrote Cecil, on the 27th of February 1563-4, two months after that acquittal, "that there was some unkindness, " between the Queen, and Murray, about Knox, " whose part he taketh."

Meantime, Murray, with his two bastard brothers,* went into the north, during October 1563, to hold Justice-courts, within his earldom; to take possession of the estates, which,

* When Secretary Maitland had exhausted his reasoning, and his spirits, on this wayward prophet, he retired, in disgust: But, the minion, Murray, remained, wishing to converse with Knox, on the state of the court: And, the preacher cut the statesman short; as Knox wished not to be troubled with such a subject, from so selfish a personage. [Knox, 339.] In this manner, then, do we see the towering ambition of Murray, who was ever double in his words, and meaning, *paulter in a double sense* with the apostle, who was equally ambitious, in his own pursuits, and equally double, in his means. [Keith, 249.]

* John, Prior of Coldingham, died, at Inverness, in November 1563.

we have seen, recently, granted to each of them, from the spoils of the Gordons ; to display their new power ; and to defy the ghost of the blood-boltered Huntley. It is curious to remark, that Murray, on that occasion, adjudged, on the classick ground of Inverness, two of *the weird-sisters*, who appeared to another ambitious minion, which also grasped at the stained sceptre of the *gracious* Duncan.* Murray had another object of importance, in the north, which was equally fraudulent, the obtaining of additional titles to the injured Countess of Buchan's estates.

The year 1564 was, chiefly, distinguished, for the disingenuous negotiation, about Mary's marriage, which was managed, on her side, by two men, who wished not her marriage, Murray, and Maitland. Much of what was said, and done, on the part of Elizabeth, does honour to her usual duplicity. Lady Lennox, and her son, Lord Darnley, had been now before Mary's eyes, ever since the demise of Francis II. The

* In the late Parliament, passed the Act, imposing the punishment of *death*, on witchcraft, sorcery, and *necromancy*. [*Acta Parl.* 539.] The first victims to the absurd severity of this act, were the two old women, who were burnt, by Murray, at Inverness. It was on this Act, that Murray executed Sir William Stewart, the Lion-king, in 1568, on the absurd charge of attempting to procure Murray's death, by witchcraft, and *necromancy*. [Birrel, 17.]

Queen knew all the difficulties, and all the facilities, of such a match. Lady Lennox, who was, equally with herself, a descendant, from Henry VII., might have stood, in competition, with her, for the English crown, in case of Elizabeth's demise, without lawful issue. Lady Lennox had, also, pretensions to the earldom of Angus, in contest, with the heir male. And Mary saw that, by marrying the youthful Darnley, it might be easy to give equivalents to Lady Lennox. In prosecution of all those purposes, the Earl of Lennox came to Scotland, in September 1564, at the end of twenty years expatriation; bringing with him a recommendatory letter from Elizabeth.⁷ His recommendations insured him a welcome reception, at Edinburgh. The Earl bestowed his jewels on men, who were in the habit of receiving gifts: And Lady Lennox sent a diamond to Murray.⁸

A Parliament was, soon after, called, for the purpose, chiefly, of reversing Lennox's attainder, which would let in various claims upon those, who enjoyed his forfeited estates.⁹ The

⁷ See the letter of the 1st of Sept. 1564, in Keith, 255. Mary, says Randolph, imputed the coming of Lennox to the Queen of England's request. [*Ib.* 259.]

⁸ Melvill's *Mem.* 52.

⁹ The Duke, as chief of the Hamiltons, considered the

Parliament assembling in December 1564, the Queen made an oration, in favour of Lennox, which was enforced, by the eloquence of Secretary Maitland: It was now shown, that the principal reason of restoring Lennox was the request of her good sister of England.^b Murray had his earldom confirmed, which indeed wanted confirmation; and he had a considerable grant of lands, in Aberdeenshire; of Strath-dee, Braemar, and Cromar, some of the spoils of the Earldom of Mar,^c which Murray selfishly retained. Some other estates were confirmed to considerable men. And above all, to gratify Knox, and his disciples, it was, at this Parliament, made penal to be present, at mass, except in the Queen's chapel.^d We may thus see again the Queen's feelings outraged, by her minion's factiousness, at the call of fanaticism.

The Queen, as well as Murray, by those Parliamentary measures, seems to have obtained the various objects, which she had, immediately, in view: Lennox was restored to his titles, and estates; and Lady Lennox confirmed to the young Earl of Angus, the Earldom, to

recall of Lennox, as his overthrow, especially, if the Queen should marry Darnley. Keith, 259. ^b *Ib.* 268.

^c Murray obtained that grant on the 22d of December 1564. *Privy Seal Register.* ^d Keith, 268.

which she had pretensions, as heir-general.^e It was foreseen, that the restoration of Lennox would, naturally, draw after him, his son, Lord Darnley, who had never been once mentioned, or alluded to, during the late negotiation, about the Queen's marriage. The Duke, and Murray, as well as Randolph, who acted, as the instrument of Murray, endeavoured, by all means, to prevent Darnley's journey into Scotland.^f Early in February, Darnley not only obtained leave to go into Scotland, on pretence of visiting his father, but even carried with him, recommendatory letters, from Elizabeth, to

^e Randolph informed Cecil, on the 2d of December 1564, that Lady Lennox had confirmed that Earldom to the heir male; and that, she taketh, to be better, than to be declared illegitimate, which was laboured by some. [Keith, 268.] This confirmation was, probably, granted; in order to secure the Earl of Morton, the Earl of Angus's uncle.

^f *Id.* Randolph again wrote to Cecil, on the same subject, in his letter of the 13th: But, the efforts of the Duke, and Murray, were attended, by a different effect, than what they wished: Elizabeth had pressed Leicester, as a lover, upon Mary, as far as agreeable to her own wishes: And, she now started Darnley, as another puppet, which, she thought, she could dandle, as she pleased: Even Leicester, who preferred Elizabeth to Mary, promoted Darnley's journey to Scotland; and Cecil concurred; trusting to his own artifices, to disappoint him, when he pleased. [Randolph's letter to Cecil of the 13th February 1564-5, in the Paper Office.]

Bedford, at Berwick, to Randolph, and to the Queen of Scots. Mary seems to have expected Darnley, for some time ; and went into Fife, slenderly attended, upon a progress ; in order to enjoy quiet, during so anxious a moment. At the beginning of February, she even resided, at a merchant's house, in St. Andrews, where she was visited by Randolph, but not entertained, by Murray, at the seat of his Priory. The Queen made Elizabeth's envoy dine, and sup, with her every day, while he remained ; and he, in return, no doubt, rode out with her, after dinner, which was her daily habit : She laughed, and talked much, and toasted her good sister, at dinner, with great praise ; but, she would not intimate her predilection for any lover ; though she acknowledged, that not to marry could not be fit for her. When she heard of Darnley's arrival, in Scotland, she came forward, from St. Andrews, where Randolph had left her, to Wemyss-castle, which was then inhabited by Murray ; and in which she probably meant to receive him : From Edinburgh, where he remained three nights, he crossed the Forth, to Fife, and paid her his first visit, on the 16th, at Wemyss-castle, as we have already seen.

The arrival of Darnley gave great offence to Murray, and his faction ; as we know, from

Randolph's dispatches: But, as he came, with Elizabeth's recommendations, Murray entertained him hospitably; carried him to hear Knox's sermon; and made him dance with the Queen, at his house, on Sunday evening; as we have perceived. Thus, prosperously, went forward Darnley's voyage, while Elizabeth's breath continued to fan his sails. From the moment, that it was, distinctly, perceived, that Mary would marry Darnley, the wind changed; and drove his frail bark among shoals, and rocks. Randolph, as he was not let into the real secret of his own court, continued to write, from Edinburgh, even after the arrival of Darnley there, of the offence, which Elizabeth had given to the Duke, and to Murray, and his faction, by sending Darnley to Scotland.^a

The whole of the English partisans, the Duke, Morton, Glencairn, Argyle, and their several followers, with Murray, at their head, declared their decided opposition to Darnley's marriage, before the middle of March;^b trusting to Elizabeth's support: The Duke, Murray, and Argyle, entered into a confederacy against

^a Randolph's letters of the 12th of February, and 21st of May, in the Paper Office: And see Keith, 269; and his *App.* 158.

^b Randolph's letter of the 20th of March to Cecil. [Keith, 272.]

all, except God, and their sovereign. On the 7th of April, Murray retired, from court, in disgust; and, consequently, abdicated his place of prime minister, in deference to Elizabeth, or in hatred to Darnley. On the 15th of April, it was plainly discovered, “that the Queen would have the Lord Darnley.”¹ Nor, was the Queen wanting, in activity, and address, for promoting her own purpose. She assembled a numerous convention of her states, among whom, were the associated nobles; the Duke, and Argyle, and Murray:² This convention

¹ Cecil's *Diary*. On the 18th of April Secretary Maitland arrived, in London; in order to explain, to Elizabeth, Mary's purpose of marrying Darnley. On the 1st of May 1565, the Privy Council of England came to a formal determination, to oppose the marriage of the Scottish Queen with Darnley, by argument, by artifice, by force. Keith, 274; Murdin, 758.

² On the 5th of May 1565, Murray, being urged, by the Queen, to sign a paper, consenting to her marriage, with Darnley, positively refused. At that time, saith Randolph, the Queen hateth the Duke, the Earls of Argyle, and Murray; alleging *against him* [Murray] that he *goeth about to set the crown upon his own head*. [Murdin, 758.] On the 3d of May 1565, the Earls of Argyle, and Murray, came to Edinburgh, at the head of 5000 men, to keep the lawday against Bothwell: But, as they knew, that their opponent would not appear, at Edinburgh, their object, in bringing such an army, must have been to overawe the Queen. [*Id.*]

appears to have, unanimously, assented to the Queen's proposed marriage, as being fit, in itself: Meantime, Elizabeth, by means of Throgmorton, whom she sent, purposely, into Scotland, carried on against Mary, among her nobles, the most dangerous intrigues, in opposition to her marriage.¹ The Duke, the Earls of Argyle, Murray, and Glencairn, retired in concert, to their own castles; in order to wait awhile Elizabeth's movements, and daily events.^m

Opposition to the measures of government were not, in those times, carried on, by sly intrigue, or manly debate; but, by privy conspiracy, treasonous machinations, and avowed revolt: In this insidious manner, then, did Murray's cabal oppose the Queen; and Darnley, Argyle, and Glencairn, attended the assembly of the Kirkmen, at Edinburgh, which

There had been more, said Randolph to Cecil, "if they had not been stayed, by the Queen, who hath shown herself now of late [3d May] to mislike my Lord of Murray."

¹ Keith, 276-79.

^m *Id.* Murray carried on, in the meantime, a traitorous correspondence with Secretary Cecil, and the Earl of Bedford. [*Ib.* 200.] On the 3d of June 1565, Randolph wrote to Cecil: "The Queen of Scots's counsellors are now those, whom before she liked worst: Murray lives, where he listeth." [*Ib.* 282.]

was hostile to Mary's marriage. Murray declined to attend the convention, which was called, by the Queen, at Perth, about the same time ; giving out, as a reason, what could not have imposed on any one, that Darnley had formed a plot, to slay him.^a This pretence was raised, by an ambitious, and artful man, whose life consisted of such falsehoods, and impos-

^a It was the constant practice of those insidious times, when there was a real plot, in contemplation, to feign a counterfeit one. Darnley, who was incapable of any detailed measures, by adopting such a design against Murray, and his faction, would have dashed his fairest hopes. When Murray was directed by the Queen, and Council, to detail how, and by whom, he had heard of such a plot, he declined to give any explanation. He proposed to wait upon the Queen : but, supposed his person to be in danger : The most effectual assurances of personal safety were given him : But, he declined to appear before the Council. [*Reg. of the Privy Council.*] This pretence of personal danger was the mere fiction of an artful man. It is clear, then, that there was no real foundation, for the supposed plot of Darnley against Murray ; while there was the most satisfactory proof of a real plot, by Murray, against Darnley, and the Queen. [See evidence of this, in Randolph's dispatch to Cecil of the 2d of July 1565, which speaks of a concert, between the Duke, Argyle, Murray, and Glencairn, "to coerce the Queen." [Keith, 289.] The convention of nineteen nobles and sixteen prelates, at Dumbarton, in September 1568, are positive, as to this point, of the conspiracy, at the Kirk of Beith, for that end. [Goodall, ii. 368-9.]

tures. It is, indeed, certain, from the evidence of records, that the Duke, Murray, and Argyle, designed to seize Lennox, Darnley and the Queen, as they passed from Perth, by Lochleven-castle, to the Queen's-ferry, on the 1st of July; to send Lennox, and his son, prisoners, to Berwick; to imprison the Queen in Lochleven-castle, for ultimate dethronement. There was, in fact, an insurrection at Edinburgh, in concurrence with that conspiracy, under the influence of Knox.^o So well laid was this treasonous enterprise, that Cecil conceived it to be already achieved. But, their secret was not well kept. And the Queen, hastily, collecting 300 horsemen, at Perth, galloped across the country, by Lochleven, to the Queen's-ferry, before the traitors had awakened, from their guilty dreams.^p When Murray found, that his prey had escaped, he gave out, as he had a lie always ready, that he was sick; as we know, from Randolph, his criminal associate.

After such a disappointment, and detection, Murray prepared to execute his designs, by his

^o Keith, 293-7; Melvill's *Mem.* fol. p. 56.

^p Murray lay, for the occasion, on the road side, at his mother's house of Lochleven; Argyle lay, on the other side, at some distance, in Castle Campbel; and Rothes brought his followers to the Parrot Well.

treasonous sword. With his guilty associates, he held a convention, at Stirling ; pretending, like other traitors, to reform both the Church, and the State ; while their real object was civil war, in objection to the Queen's marriage. They sent a trusty messenger to Elizabeth, who listened, with willing ears, to such projects, from every neighbouring partisan, to communicate to her their odious designs, and to ask her treacherous aid.¹ Queen Mary was aware both of their designs, and her own danger. She charged the traitors to desist, from their crimes ; she gave private notice to the Duke, to beware of Murray's projects ; she assured her Protestant subjects of her protection : And she summoned all her subjects, as by law they were bound, to collect around her, in arms.* She gave a pardon to Lord Gordon ; she recalled the Earl of Sutherland ; she desired Bothwell, to return, whom, during Murray's rebellion, she appointed Captain of Dunbar-

¹ Keith, 299. It is curious to remark, that Murray, while thus preparing, for civil war, in opposition to the Queen's marriage, did not forget the Countess of Buchan : On the 3d of June 1565, he obtained a charter from the Queen, under the great seal, of the whole estates of the deluded Countess. [*Privy Seal Reg.* xxxiii. 53 ; and the Charter, in the *Great Seal Record.*] Such a swindler was Murray !

* See Keith's *App.* No. ix.

castle: And she thus assumed the appearance of vigour, without any real efficiency, as her whole ministers were Murray's retainers. The confederated nobles retired to their castles, when they saw the people collecting around their Queen; to wait, meantime, the slow decision of Elizabeth's doubtful aid.* On the 22d of July, Murray wrote, from St. Andrews, to Bedford, Elizabeth's Lieutenant on the borders; setting forth the peril, to which he was reduced, on account of his earnest affection to the *true worship*; of his goodwill to his own Commonwealth; and of his passionate regard for the mutual amity, between the two realms: Begging protection, for such a cause; and hinting to Bedford, how serviceable it would be to him, and his confederates, if the Lieutenant would make an irruption into the Scottish borders, where dwelt some of their most powerful opponents.[†] This whole letter, which is a master-piece of hypocrisy, was admirably conceived, to strike the feelings of the Puritan, Bedford: But, Elizabeth's servants were too well disciplined, to stir an inch, in a warlike manner, without her positive orders."

* Randolph's letter to Cecil of the 21st July 1565.
[Keith, 303.]

[†] Keith, 306.

[‡] Bedford was reprehended, by Cecil, for calling Murray,

We may see, indeed, in the whole proceedings of the Privy Council of Scotland, during Murray's rebellion, that the generality of the Queen's servants consisted of Murray's minions. Morton, the Chancellor, Maitland, the Secretary, are expressly said, by the well-informed Randolph, to have been, as much concerned, in Murray's practices, as if they had been with him, in his convention, or his cabinet; and only waited occasions, to betray their mistress. What villains! On the 28th of July 1565, the very day before her marriage, instead of ordering Murray, to be arrested, she gave that artful traitor a safe conduct for himself, and fourscore followers, to come to Edinburgh, on the frivolous pretence of that dangerous plotter being afraid of his life.*

The actual marriage of the Queen, and Darnley, ought to have dissolved the unnatural confederacy, between the Duke, and Murray, who had divers interests. The Duke was, by law, the presumptive heir of the crown: The bastard Murray, encouraged as he was, by Cecil,

and his rebellious coadjutors "*the lords of the congregation*:" And Cecil spoke, doubtfully, of Elizabeth's aid to those lords.

* Keith's *App.* 110. Elizabeth would have set a price upon his guilty head, instead of allowing an enterprising rebel to come to her court, with eighty followers.

was without any right whatever ; was continually grasping at the sceptre, as occasion occurred : But, now, since the Queen, and Darnley, could not be unmarried, unless it were, by the traitorous means, that had once failed, at the Kirk of Beith : to send Darnley out of Scotland, by force, and *to coerce the Queen*. But, they were unable to effect either, without the avowed interposition of Elizabeth, in arms. The confederated nobles, however, continued their treasonous practices, throughout the whole month of August 1565 ; expecting the promised money, and men, from Elizabeth's caution, or duplicity. The Queen, supported as she was, by the genuine voice of the whole people, who approved of her marriage, made successful efforts to oppose Murray, and his guilty coadjutors ; though he might have been, immediately, expelled, if it had not been, for the treachery of Maitland, who betrayed her counsels, and Morton, her commander, who directed her army to the north, when he ought to have followed the rebels, to the southward. On the 7th of August 1565, Murray was, formally, denounced a rebel ; and the Duke, Argyle, and others, were warned not to comfort him, if they would avoid the pains of treason.*

* Keith, 310.

Elizabeth, privately, conveyed pecuniary aids to Murray, and also sent Tamworth, to intrigue for him, with the help of his avowed partisan, Randolph.* The principal rebels were induced by the Queen's superiority, and Elizabeth's penury, to flee into the impervious mountains of Argyle. The Earl of Athol was now empowered, to pursue the Earl of Argyle, with fire, and sword, as a rebel.* After all those preparatory steps, the Queen, and Darnley, marched, from Edinburgh, at the end of August, towards Linlithgow, in quest of the rebels : They pressed forward to Stirling, and thence to Glasgow ; while the hearts of her principal ministers were with Murray. The rebels, meantime, passed, from Hamilton, to Edinburgh, with no great force, on the first of September ; but, as the castle fired upon them, and the townsmen were unfriendly, they soon found it necessary, to march towards the south-west ; pointing at Dumfries. Robertson remarks how well the Queen's armies were conducted, on that occasion, when they were carried northward, while they ought to have pressed forward, towards the south : If he meant, how well her armies were conducted, for

* *Ib.* 312 : During that rebellion, Tamworth, and Randolph, were both restrained, as well they ought ; their conduct being treasonous ; the first in Dunbar : the second, in Edinburgh. *Lodge's Illust.* i. 353. * Keith, 313-14.

the safety of the rebels, his observation must be allowed to savour of sense. As Murray retired upon Dumfries, towards the English border ; so Morton directed the royal army northward, into Fife, which precluded all hope of pursuit. The rebels, as they were not followed, remained upwards of a month, about Dumfries ; looking for Elizabeth's aid ; and trusting to such casualties, as their friends, in the Queen's councils, might contrive. But, Mary, returning at length, from Fife to Edinburgh, marched thence on the 8th of October, to expel the fugitives, or to force their submission.^b Murray, and the guilty nobles, were, now, compelled to avow their impotence, and malignity, by seeking shelter, in England, where they hoped to be received into the frigid arms of Elizabeth.^c

^b Randolph wrote to Cecil, from Edinburgh, on the 8th of October 1565 : " This Queen sets forward towards Dumfries, with all the force, that she can make, with many in her company, that will do her little service, when they come there : She is now, at this point, that she knoweth not, whom she may trust ; so much disliked is her doings [by the English faction] : The whole of the north is come in to her, of whom is the Lord Gordon, restored to the Earldom of Huntley : In fine, the Earl of Athol, and Bothwell, are her chief trusts."

^c Keith, 316. Elizabeth had, in fact, commenced hostilities : But, hearing of the retreat of Murray, and his rebels, she recurred to her usual practice of secret supplies of money, as well as intrigues of policy.

Her Lieutenant, and his Wardens, received them, with great civility; and they moved to Newcastle, on the 15th of October; in order to wait, till Elizabeth had settled her conscience, as to the mode of receiving Murray, and his friends, who had risked much in following his ambition, and her artifices. They were well received by the Earl of Bedford, Elizabeth's Lieutenant, on the borders, who, as a Puritan, entered into their views, and promoted their prospects.

Murray, relying on the protection of Cecil, set out, from Newcastle, for London, to solicit the support of Elizabeth, who had urged him into rebellion, by so many inducements. But, he was stopped, as he advanced, towards London, at Ware.^d Cecil, meantime, chid Bedford,

^d There is a letter, in the Paper Office, to the English Privy Council, dated at Ware, the 21st of October 1565, which shows the embarrassments of both parties: "Upon my journey," says Murray, "very near this town of Ware, I received your honours' letter, from a servant of Mr. Randolph's passing to Scotland; and thereby understand the Queen's majesty's resolution, plainly, to be, that it were not meet for me, to come, at this time; but, to forbear such open dealings, with her majesty, until it may be further considered what shall be meetest for me to do. I am sorry to have been so late advised of her majesty's resolution, as I am persuaded your honours knew not, that I were so far upon my journey; but so soon as I were certified, I stayed here, at Ware, conform to your honours desire."

for allowing Murray to come up to London ; and Bedford could only excuse himself, by saying, " that he could not prevent him, without using violence." Murray soon after, by the artifices of Cecil, obtained, however, an audience of the Queen.* Of this interview, we have a very curious account, from Sir James Melville, the partisan of Murray : " At length," says he, " the nobles were compelled to flee into England, for refuge, to her, who, by her ambassadors, had promised to hazard her crown, in their defence, in case they were driven to any strait ; because of appearing against the said marriage ; though this was, expressly, denied them, when coming to demand help : For, when they sent up my Lord of Murray to that Queen, the rest abiding at Newcastle, he could obtain nothing but disdain, and scorn, till at length, he, and the Abbot of Kilwinning, his companion, in that message, were persuaded to come, and confess unto the Queen, upon their knees, in presence of the ambassadors of France, and Spain, that her majesty had never moved them

* Bedford, nevertheless, on the 24th of October, wrote Cecil, from Berwick : " I heartily pray you, to favour, and further, the Earl of Murray, and *the common cause*, that he cometh up for : how much he standeth thereupon, I need not tell you." The original letter remains, in the Paper Office.

to that opposition, and resistance, against the Queen's marriage: For this, she had desired to satisfy the said ambassadors, who both alleged, in their master's names, that she had been the cause of the said rebellion, and that her only delight was, to stir up dissention among her neighbours: Yet, by this cunning, she overcame them: For, she handled the matter so subtilely, and the other two, so cowardly, in granting her desire, *contrary to what was truth*; being put in hopes of relief, if they would so far comply with what was judged her interest, for the time, that she triumphed over the said ambassadors, for their false allegations: But, unto my Lord of Murray, and his neighbour, she said; Now, you have told *the truth*; for neither did I, nor any, in my name, stir you up against your Queen: And your abominable treason may serve, for an example, to my own subjects, to rebel against me: Therefore, get you out of my presence; you are but unworthy traitors." ' Thus happy was Elizabeth, in her hypocritical doings! and thus low could the ambition of Murray stoop: Yes; to be a king, he demeaned himself more than became a man: Of the conduct of Elizabeth, there cannot be two opinions: Like a fiend she tempted, and

betrayed: Like a fury, she reproached, and tormented, the miscreants; and like another Hecate, she thrust them forward into rebellion; and then, deceived them, for the gratification of her envy, and her hate.* In return, for such

* The whole State Papers demonstrate, that Elizabeth incited Murray to rebel against his sister, and benefactress, and Queen: Elizabeth gave him every possible assurance of support; she contributed, secretly, some money; Randolph, her agent, was Murray's constant prompter, throughout several months. [See Elizabeth's letter to Randolph, of the 10th of July 1565. Keith, 296. See the letter of the Duke, Argyle, and Murray, of the 18th of July. *Ib.* 300. See Randolph's letter to Elizabeth of the 19th of July, *Id. ib.* 303.] They all show the secret incitements of the English Queen. There is a letter, in the Paper Office, from Murray to Leicester, dated, at Carlisle, the 14th of October 1565, saying: "I understand how favourable your honour hath been, to the furthering of *this our common action*. By your Queen's cold dealing herein is a great part of my friends ruinate; and I, and the rest of the nobility, here, put to this extremity, to which we have been brought, by the good affections, we have borne, to follow her majesty, and her council's *advice*." Murray spoke still plainer to Cecil, by a letter of the same date, in the Paper Office: "According to your direction, I have comforted the rest of the nobility: As for me, and the remainder here, I doubt not, but you understand, sufficiently, that neither they, nor I, enterprized this action, without forfeit of our sovereign's indignation: But, being moved thereto, by the Queen, your sovereign, and council's hand writing, directed to us, thereupon, which

perfidious conduct, all that they could obtain, at present, were secret supplies, from Bedford, by her directions ; as we know, from Camden, and Strype, and still more, from the account, rendered by Bedford, of the money paid to them. Such, then, was the issue of this rebellion ! Not a life was lost in the field : Not a traitor was prosecuted in the Justice-courts : Not one iota of power, or influence did the Queen gain, by its suppression !

Murray, and his expatriated followers, now lay along the northern borders of England, unseen by Elizabeth, protected by Cecil, and supported by Bedford ; having a good position, for intriguing, in Scotland ; and of watching occasions, in England, as well as in Scotland. There is reason to believe, that Throgmorton

being followed, all those extremities succeeded, as were sufficiently foreseen." There is a letter, from Murray to Elizabeth, in the Paper Office, dated at Westminster, the 30th of October 1565 : Having received your majesty's last answer, and deeply weighing the same, I have entered into such deep considerations of my present estate, and others who, through my occasion, are drawn into the like distress, that little repose have I had in heart, since my departure, from your highness. It were to me more easy, to bear, if I knew, wherein I had offended, or deserved so hard handling of your majesty, *whom I have studied, at my uttermost, to serve, and gratify, with all my powers, whereof I take God to witness.*"

was sent, by Cecil, and Elizabeth, to solicit their pardons, from Mary.^h And Sir James Melvill continued to whisper, in her offended ear, the worst possible advice. At length, on the 1st of December 1565, summonses were executed against Murray, and the expatriated nobles, to answer for their treasons, in the Parliament of February, then next, to charges of treason.ⁱ The guilty nobles were thrown into positive despair, by that vigorous measure. Murray, with a meanness unworthy of his ambition, courted Rizzio, the Queen's Secretary, for the French language; sent him a diamond; and flattered him with many promises of future friendship.^k

We have already seen, from the informations of the intelligent Randolph, which of the Queen's ministers remained, in her councils, even during the late rebellion, with design to betray her. There were other nobles, who remained, at Court, and who were extremely dangerous, from their unprincipled activity, and were equally ready, to promote the inte-

^h See Throgmorton's epistle to Mary, in Melvill's *Mem.* 60.

ⁱ See the Act in Keith, 320; The nobles, thus charged, were the Earls of Murray, Argyle, Glencairn, and Rothes, with the Lords Ucheltre, and Boyd, and others of less note. The Duke, and the Hamiltons, had obtained their pardons, on condition of living abroad. ^k Melvill's *Mem.* 63.

rests of Murray.¹ The ministers, and the nobles, before mentioned, entered into the most profligate cabals, with the avowed design of proroguing the intended Parliament, and obtaining Murray's pardon. They debauched the feeble mind of the Queen's husband :^m And Murray, and his followers, entered into written agreements with the unworthy King, which amounted, virtually, to the dethronement of the Queen, perhaps to the depriving her of life : Murray engaged, on his part, to obtain for Darnley, the matrimonial crown, during his life : And, the wretched King undertook, in return, to prevent the meeting of Parliament ; so as to obstruct the forfeiture of Murray, and his noble associates, in treason ; so as to procure their pardons, from the Queen, at whatever risk, of danger to her, or disgrace to himself. Lennox, the King's father, also entered into this traitorous project, after all, that she had done for him, and his son. Those engagements, which are the most profligate, that history has recorded, went the full length of an agreement, to assassinate, in the Queen's presence, Rizzio, who was hated, by the King, and envied by the nobles.ⁿ Those guilty stipulations, however,

¹ *Ib.* 64.

^m *Ib.* Goodall, i. 225-33.

ⁿ Keith's *App.* 120-21 ; Goodall, i. 225-231-33 : And the declaration of the Convention, at Dumbarton, in Sep-

were carried into shocking effect, on the 9th of March, then next, by the aggravated assassination of Rizzio, in the Queen's closet ; Eliza-

tember 1568. [Goodall, ii. 359.] There remains a singular letter, from the Earl of Morton, and Lord Ruthven, the two chief assassins, to Sir N. Throgmorton, dated from Berwick, the 2d of April 1566 ; wherein, they say, " that " they had thought it meet to labour, for the relief of their " brethren, [Murray and his noble associates in crime] who " were in trouble ; that since they themselves were now in " the like trouble, *for the relief of our brethren, and the religion,* we doubt not to find favour, as they had done." [Goodall, i. 264.] We thus, clearly, see, that Rizzio was assassinated, by assaulting the Queen's palace, and arresting the Queen's person ; that is, *murder*, and *treason*, were committed, *for the dogmas of Calvin*, and the return of Murray, with his associate rebels ; and for such crimes, they asked, and received, protection, from Elizabeth, till she could procure their pardon. Murray, and his associates, were certainly relieved, by the odious conduct of Darnley : but, nothing was done, by them for him, in return. The ultimate object of this shocking conspiracy, as we may learn, from Randolph, obviously was, if the leaders had not disagreed, and the Queen had not, by her address, freed her husband, and herself, to have dethroned the Queen, and placed her sceptre, in Darnley's hands ; and then to have left him to sink under his own weakness, and the publick indignation. The final end of the whole conspiracy was, to place Murray on the throne :—but, the conspirators were disappointed, for a time : It was necessary to have another conspiracy, and assassination, for that end, the great object of Murray's ambition.

beth, and Cecil, previously knowing thereof: In the midst of this cruel scene, Murray, and his associates, returned to Edinburgh, under Lord Home's care, by Darnley's order, and were, soon after, pardoned; the Parliament being discharged, from attendance, by the King's single order.^o But, those odious proceedings ended, also, in Darnley's disgrace, and perhaps, in his ultimate death: If the Queen had died, issueless, during the dreadful scene of her Secretary's murder, her husband could not have been King: For the crown was settled, by Act of Parliament, on the Duke of Chattelherault, and his heirs: Nor, could Murray, and his faction, make Darnley King, in opposition to law, and the people: He would have been left, by those, who had deluded him, like a whale upon the strand. We have now seen, that the ambition of Murray could stoop to any villainy, or wickedness, for obtaining his guilty ends.^p

^o Melvill's *Mem.* 65. Murray soon repaired to the prorogued Parliament; to offer himself for trial: But, he found neither prosecutor, nor Parliament; and, in a few days, he received, from the Queen, a formal pardon.

^p It is curious to remark, that Murray, and Argyle, who had obtained their pardons so lately, by Rizzio's murder, appeared among the Privy Counsellors, on the 2d of May 1566, to whom it was referred, to settle, and advise the mode of proceeding against the murderous rebels, who had

When Murray was about to leave Newcastle, for Edinburgh, he wrote to Cecil, that Elizabeth should always find him one of the most attached men, in Europe.¹ The noble assassins of Rizzio, with the Earl of Morton, the Chancellor, at their head, now sought the same shelter, in England, which the noble rebels had just left, for a crime of a more odious cast, than the rebellion of Murray. Elizabeth, from fiend-like hatred of the Scottish Queen, gave Morton, and his associate assassins, immediate shelter, and procured them ultimate pardon.²

committed that terrible deed. [Keith's *App.* 131.] Of the hundreds, who were denounced, for that crime, only two, who were of little account, were convicted, and punished. [Arnot's *Crim. Trials.*]

¹ His letter, in the Paper Office, dated the 8th of March 1565-6. Elizabeth, on that occasion, ordered Bedford, her Lieutenant, to pay Murray 300*l.* for his expenses, to Edinburgh. But, Bedford wrote the Queen, on the 16th of March, that Murray was departed, before he had received her pleasure, “for 300*l.* supposed to be, in his hands, in part of the 3000*l.* sent to him, to be *secretly paid to the Earl of Murray*, towards his charges, while he remained, at “Newcastle:” But, he added, that of the said 3000*l.* there, only, remained 200*l.* in his hands: For, having paid 1000*l.* to Lord Murray, while at Newcastle; and 1800*l.* to the officers at Berwick, nothing more than 200*l.* remained. [The original in the Paper Office.] Here, then, is complete evidence of the money, secretly, received, by Murray, from Elizabeth, while he remained, in England.

² Keith, 336. Elizabeth, with her accustomed duplicity,

The Queen, after the murder of her private Secretary, saved herself, and Darnley, by inducing her guilty husband, to flee with her to Dunbar-castle. Here, she found safety till her loyal barons could assemble around her, with their men in arms. She now returned, in a sort of military triumph, to her capital, whence the guilty fled, and where the penitent were pardoned. She, now retired, by the advice of her Privy Council, owing to the artifices of Murray, and Cecil, into Edinburgh-castle, to wait, in security, the time of her necessary confinement.* During this period, Mary employed

ordered Morton, Ruthven, and the other assassins, to depart, from her kingdom ; yet, allowed them to lurk about Alnwick, under Cecil's protection, till she obtained their pardon ; which enabled Morton to perform even grosser deeds of wickedness, towards the Scottish Queen, by murdering Darnley.

* Keith, 385 : She entered the castle, on the 5th of April 1566, and was delivered, on the 19th of June, of James VI. : Yet, with all apparent fairness, and even attention to the Queen's safety, this circumstance of her residence, in Edinburgh-castle, was, merely, the result of a fresh plot of Murray, and Cecil, who, naturally, supposed, from the assassination of Rizzio, in her presence, by a thousand stabs, her child would, probably, be *still-born*, or be perhaps a monster, and that she might never rise again, from child-bed : Murray, and Argyle, the two pardoned rebels, the one her bastard-brother, and the other her brother-in-law, with

herself, in reconciling her irascible nobles to each other. She, who had received offence, and injury, from so many, easily reconciled her temper to her duty. It was very difficult to reconcile Darnley to himself, though he lived amicably, with his wife, in the quiet of the castle; as she never mentioned to him, her sense of his misconduct, and crime, or pursued his father, for his treason. The nobles, easily, assumed the appearance of reconciliation with each other. But, Murray, after the disavowal of Darnley, never could enjoy, with him, "the sweet intercourse of looks, and smiles," till the bowstring closed the piteous life of the wretched King. It is curious to remark, that after the general reconcilment, of all the nobles, none but Argyle, and Murray, who were so lately pardoned, slept, within the castle.

Darnley, her husband, were the only persons of consequence, which were allowed to remain, in the castle, with her: If the Queen should die, as they supposed most likely, Murray, and Argyle, would seize the castle, as a great step towards the throne. Randolph was ordered, to remain in Berwick, to wait the issue of those speculations, ready to dart upon Edinburgh, for supporting Murray's pretensions to the crown. Elizabeth was, in the secret of this plot; and confidently expected some fatal accident to the Scottish Queen: Hence, her disappointment, and chagrin, when she heard of Mary's safe delivery of a fine boy. [This plot is detailed, in Randolph's dispatches to Cecil.]

The chiefs of the Hamiltons, were in exile, owing to the egregious folly of the duke. And it is apparent, if any fatal accident had happened to the Queen, in child-bed, that Murray, being in possession of Edinburgh-castle, would have seized her sceptre, which Cecil would have proved, to be legitimately his, and Elizabeth would have recognised, as his genuine right, in the teeth of the statute, entailing the crown on Arran, and virtually denying the illicit pretensions of the bastard Murray, though twice legitimated.

The Queen, however, was happily delivered of her son, who was destined to be James VI. This event, which was important in itself, deprived the duke of the second place, in the kingdom; and by interposing an heir to the crown, obliged Murray, to change the whole plan of his future steps, towards the first place, in a distracted government.[†] Murray, though no longer the Queen's minion, continued an assiduous courtier, to watch, with the Secretary,

[†] Melvill, in his *Mem.* 67, tells a story of Huntley, and Lesley, the Bishop of Ross, soliciting the Queen to imprison Murray, as her time approached; but, that she refused, and told the tale to Murray. The policy of the Queen, at this period, as we have seen, was to conciliate, and not to irritate. Sir James Melvill, or his editor, often misplaces events, and misconceives purposes.

the passing scene. After the late tempestuous season, Elizabeth seemed willing to make fair weather, with the Scottish Queen. And Murray, the spaniel of Elizabeth, constantly, crouched, to lick the hand, that chastised him. All, but Darnley, seemed to have been willing to be quiet, during the remainder of the halcyon year of James's birth. Now appeared a new pretender to the crown! It did not require the penetration of Cecil, or of Murray, Maitland, and Morton, how easy it would be, to proclaim the baby James, as king; and thus create the necessity of a *regent*.

When the Queen's period of confinement was passed, she went along the Forth to Alloa-house, attended by Murray, Mar, and other nobles; but Darnley chose to go by land; as he liked not to be in the same ship with Murray. It was here, that Secretary Maitland was allowed to wait upon the Queen; having obtained his pardon, for his participation, in Rizzio's murder, by the influence of Athol, and Murray, in opposition to the interest of Bothwell, and Darnley.* This is an important fact, for checking the current of calumny, which had been so much distributed, through the country, concerning the influence of Bothwell, at that me-

* Keith, 345.

morable period, when he had obviously less importance, in the Queen's mind, than Athol, much less, than Murray.

After the court's return, from Alloa, a sort of *éclaircissement* took place between Darnley, and Murray, which, only, heightened the enmity, between two ambitious men, who aimed at the same object.* At the same time, the old grudges broke out, in the Queen's presence, between Murray, and Bothwell, on account of Secretary Maitland, who was protected by Murray.* The Queen soon after went into Peeblesshire, for the amusement of hunting, accompanied, by Darnley, by Huntley, by Murray, and by other nobles. Soon after their return, the Queen carried the infant prince to Stirling.†

* See the News from Scotland, in Robertson's *App.* p. 435.

* See the same intimations of News from Scotland, which are very important, when we have deducted the exaggerations of faction; as they show the renewal of enmities, between Darnley and Murray, and Bothwell and Murray, in August 1566: "During the altercations, between Murray, and Bothwell, the Queen spoke nothing, but, heard both." *Ib.* 436. Let it be remembered, also, that Bothwell, and Maitland, were constant enemies; on account of their habitual competition, for the casualties of the crown, in the southern districts.

† *Id.*; Keith, 345: The Queen was, at Stirling, on the 22d of September 1566, with the prince, her son, "who is a very fine child," said the aged Le Croc, "and thrives so well,

Here, the Queen, and her court, remained till the end of September, when she returned to Edinburgh, on account of the publick business. Soon after the arrival of the court, at Edinburgh, Darnley's purpose was declared, by his father, of leaving his wife, and son, and departing the kingdom : The reality of his design, and the causes of it, were examined by the Privy Council ; when he could not charge the Queen with any cause of offence ; but, intimated his hatred of certain lords, including Murray, and Maitland, as the real causes of his discontent, which he was ashamed to avow.* The Queen endeavoured, in vain, to conciliate so wayward a husband, who was discontented with himself, rather more than with others ; and who now, by his discontent, and absence, from the Queen, and court, brought on his own ruin ; from the secret machinations of those, with Murray at their head, who saw his enmity, which rankled, in their hearts. On that occasion, Murray conciliated Bothwell ; so as to draw him, from the

that against the time of his christening, the godfathers will feel the weight of him, in their arms." Keith, 345.

* Keith, 350 : In the continued practice of calumny, it is always said, that Darnley came to visit *the Queen* ; but, was repulsed : It was the constant appearance of Murray, and Maitland, about the Queen, which repulsed Darnley, who could not look upon them.

duty, which he owed to the laws, to the guilty concert of Murray, and his faction.

An attention to the border turbulence, had for some time, determined the Queen, and her court, to hold Justice-air, at Jedburgh. On the 8th of October 1566, the Queen, attended by Murray, who seems never to have left her, and her officers of state, and of law, set out, for Jedburgh, on the constitutional object of holding Justice-courts. It was, on that occasion, that Bothwell, the Queen's Lieutenant on the borders, was wounded, by Elliot of Park, when Bothwell attempted to enter Hermitage-castle, to the possession of which, Elliot had some claim. This happened on the 8th of October. On the 16th of the same month, the Queen rode from Jedburgh to that castle, and returned the same evening; being a journey of about forty English miles. On the morrow, she was taken ill of a dangerous fever, which had almost proved fatal. On that emergency, the nobles, the prelates, and officers of state, who were then present, resolved to remain together, till they should arrive at Edinburgh; and there to hold a convention, which might provide for the government of the country. Had the Queen demised, the administration of affairs, would have fallen upon Murray, in the name of the infant king; the heir presumptive being, in

France ; and Darnley, and Lennox, having no influence, in the state. But, from the 26th of October, the Queen began to recover, gradually; while the privy counsellors continued to perform their functions, at Jedburgh, from the 9th of October to the 8th of November 1566, when they adjourned to Kelso, in continuation of the publick business. The nobles, the prelates, and law-officers, who continued so long to administer publick justice, were : the Earls of Huntley, *Murray*, Bothwell, Athol, Rothes, and Cathness ; the Bishops of Galloway, Cathness, and Orkney ; Secretary Maitland, the Treasurer, the Clerk Register, and the Justice Clerk. This specification supplies a satisfactory answer to the calumnies, with regard to the Queen's conduct, on that occasion, as if she had sacrificed more to Bothwell's advantage, than to the public service. After sitting two days, at Kelso, the Queen set out, with her whole court, as well as the country people, along the Tweed towards Berwick : And, she proceeded thence to Dunbar, on the 15th : and to Craigmillar-castle, near Edinburgh, on the 20th of November 1566.* On that progress, Bothwell, as

* In the Paper Office there is a letter to the Privy Council of England, dated from Dunbar, on the 18th of November, signed by Huntley, Bothwell, and Murray. Keith, 354-5.

sheriff of the three shires, through which the Queen, and her court, were to pass, attended on both: But, it was Murray, and Maitland, who chiefly conducted the publick business, throughout the Queen's journey.

Soon after the Queen's return to Craigmillar-castle, Secretary Maitland, and the Earl of Murray, opened to the Queen the well-known project of her divorce from Darnley. During that profligate age, Murray, and Maitland, grounded that project, which meant much more, than it mentioned, on the absurd conduct of Darnley, and Lennox, since the murder of Rizzio, notwithstanding the Queen's endea-

App. 136. This shows, that the Queen, and Bothwell, were not then alone, at Dunbar. In the same office, there is a letter, from Secretary Maitland, to the Earl of Morton, dated on the 19th of November, at Whittingham. Keith, 355. There is an epistolary journal of Secretary Maitland, dated, at Whittingham, on the 19th of November: giving an account of the Queen's progress, homewards; and saying, that she was accompanied, on that progress, with 800, or 1000 horse. Keith, 353-4. It was rather audacious, in Buchanan to assert, in his feigned journal of the Queen's progress, that *she performed that tour with only Bothwell, in her company.* And, it was still more audacious, in Murray, who, as her chief adviser, accompanied the Queen on her whole journey, from the 8th of October to the 20th of November, and knew the facts, to give Buchanan's forged journal, in evidence, to the Privy Council of England. Of this forged journal, there is a copy, in Anderson's *Col.* ii.

vours, to reclaim her husband ; on Darnley's avowed enmity to Murray, Maitland, and other nobles ; on the desire of Murray, and Maitland, by such extraordinary means, to obtain the pardon, and recal, of the expatriated Morton, and his guilty associates. This nefarious design, which seems to have been preceded, by a rumour, however false, that the Queen had applied to the Pope, for a divorce, from her husband, was proposed to the Queen, and communicated, by Murray, and Maitland, to the Earls of Huntley, Argyle, and Bothwell, for their assent : But, the Queen would, scarcely, hear their proposal, as it might spot her honour ; and she forbade them to proceed in such a measure, with more firmness, than they expected, in the circumstances, wherein she stood with her husband : And Argyle, and Huntley, at a future day, revealed, by a written declaration, the whole detail of this conspiracy, by Murray, Maitland, and Bothwell.^b Huntley,

^b See the declaration of Huntley, and Argyle, in Anderson's *Col.* iv. ; in Keith's *App.* 136 ; in Goodall's *Examin.* ii. 306-22 ; and, also, the declaration of the 19 nobles and 16 prelates, which met in convention at Dunbarton. [Goodall, ii. 361 : and Camden's *Hist. Eliz. Transl.* 92.] Murray made a frivolous answer to that charge ; containing little more than a general denial. Buchanan, with his usual disregard of truth, says, in his forged journal, " they both [the

and Argyle, very justly inferred, as every considerate person must ever conclude, that since the project of a divorce was rejected, by the Queen, the design of destroying Darnley, by the flagitious hand of Bothwell, was then resolved on, by Murray, and Maitland: And, the convention of nobles, and prelates, before mentioned, also, drew the same conclusion, from the whole circumstances of that singular proposal, by Murray, and Maitland, who were in the guilty habit of such dangerous conspiracies. Murray himself, from the feebleness of his defence, against the charge of Huntley, and Argyle, seems to admit the fitness of their inference, that he was a mover, in the murder of Darnley; as he was, undoubtedly, the chief gainer, by that odious deed.*

Soon after that memorable transaction, at Craigmillar-castle, which led to such mighty consequences, Mary removed, with her court, to Stirling, preparatory to the baptism of her

Queen, and Bothwell,] returned to Craigmillar; and *began to reason upon the divorce, betwixt her, and her husband.*" The fact is, that Bothwell, as he was now a conspirator with Murray, and Maitland, against Darnley, seconded Maitland, when that proposal was made to the Queen, in the presence of Murray.

* See the Subsidiary Documents to the first Memoir, in the second volume.

son. The Earl of Bedford, who was to represent Elizabeth, at this ceremony, received his passport, and entered Scotland, on the 8th of December.^d The prince was baptized, by the name of James Charles, in the chapel of Stirling-castle, by the Archbishop of St. Andrews, according to the ritual of Rome, on the 17th of the same month of December 1566.^e The Queen conducted herself, admirably, throughout the whole ceremony; while the king, who did not attend the baptism of his own son, behaved with his accustomed absurdity.

But, during the ceremony, Bedford, Murray, and other reformed lords, would not, by entering the chapel, defile their puritanick eyes, with witnessing what Bedford had been sent to witness. Meantime, Murray, and Bedford, and other nobles, occupied themselves, about what was, in their minds, of much more importance, than christening the prince, who was destined,

^d As to his behaviour, on that occasion, he was instructed, to govern himself, so as should be meet for Elizabeth's honour, and Mary's pleasure; yet, so as to avoid such things, as be against your conscience, and contrary to the religion: " 'Tis best to imitate the example of Murray, and the other lords of the same religion, for which they have the permission of that queen." Keith, 356.

^e See Le Croc's letter, from Stirling, of the 23d of Dec. 1566. [*Id.*]

by them, to circumvent his mother, by a strange sequence of circumstances, and finally to be the King of Great Britain : They laboured, successfully, to obtain the pardon of Morton, and the other murderers of Rizzio. At Christmas 1566, the forgiving Queen yielded to so general a solicitation, in favour of those unworthy miscreants : And, all but George Douglas, who stabbed Rizzio over the Queen's shoulder, and Andrew Kerr, who presented a pistol to her bosom, were now pardoned.¹ Cecil, and Elizabeth, had protected Morton, and the other murderers of Rizzio : and they now, above all others, contributed to obtain their pardons. Next to Elizabeth, and Cecil, in efficacy of persuasion over the Queen of Scots, was *Murray*, her brother, and adviser, who had still more influence over her spirit, than any of the Scottish nobles, beyond compare. Darnley seems to have opposed this noted measure. Having thus obtained so great an object, Bedford made a progress, from Stirling, through the congenial county of Fife, along with Murray, and his friends, who repaid, now, what they had re-

¹ There is a letter, in the Paper Office, from Bedford to Cecil, dated the 30th of December 1566, which shows, in opposition to the calumnies of the Scottish historians, by whom those pardons were obtained, which has been already quoted.

ceived, formerly, from Bedford, during the sad days of their long expatriation.^s Of his entertainment, in Fife, Bedford informed Cecil, by the same letter : “ I have now been these six, or eight days, at St. Andrews, and other places of Fife, with my Lord of Murray, who hath, by himself, or by his friends, used me, with much honour, great cheer, and courteous entertainment ; and so, must I now draw homeward, as fast, as I can.”

The Queen, meanwhile, made some short excursions, to Drymen, and Tullibarden, after the fatigues of the baptism, and the vexation of her husband's waywardness. Robertson, who was ignorant of facts, reprehends the Queen, for seeking amusement, abroad, while her husband lay dangerously ill of whatever disease. Darnley, who was as ignorant of policy, as of his own interests, was one of the few, who opposed the pardon of Morton, and his guilty associates in crime :^h And the Queen's pardon, after such

^s *Id.*

^h Bedford wrote to Cecil, on the 9th of January 1566-7, after his return to Berwick ; having left Edinburgh, on the 6th : “ The Earl of Morton, having now obtained his pardon, doth think himself much beholden unto you, for *your favour and good will therein*. There were *some*, that sought, to hinder the same, all that they could, [Darnley.] But, his friends so stuck to it, on his behalf, as prevailed therein : In

solicitations, of the assassins of Rizzio, was the signal for Darnley, to leave the court: He only went to visit his father, at Glasgow, where the small pox, unhappily, prevailed; and he was "instantly taken with the infection." Mary, as a wife, and a mother, who had her infant to watch over, did better than repair to Glasgow, knowing the nature of her husband's disease: she sent her own physician, to take care of him.¹ So different are the certainties of fact, from the intimations of falsehood!

There is another transaction, of some consequence, which the Scottish historians are, continually, misrepresenting: and which was thus plainly stated, by Bedford to Cecil:^k "The Bishop of St. Andrews, had of late obtained, of this Queen's hand, authority to use a certain jurisdiction, in divers cases, according to the Canon laws; and meant, therefore, to have erected his court, at Edinburgh, which, because it was found, to be contrary to *the religion*,

the which, the Earl of Bothwell, like a true friend, joined with my Lord of Murray; so did Athol, and others." [In the Paper Office.] See how differently Melvill, or his interpolator, speaks, in his *Mem.* 76-7.

¹ Bedford's letter of the 9th of January 1566-7. Birrel's *Diary*, 6. Drury's letter to Cecil from Berwick, soon after.

^k In his above-mentioned letter of the 9th of January 1566-7.

and therefore, not liked of, by the townsmen ; *at the suit of my Lord of Murray*, [not Bothwell] the Queen was pleased to revoke that, which she had before granted, to the said bishop." It was the ecclesiastical court of ancient authority, which the Archbishop attempted, about the time of *the baptism*, to restore ; and which the Queen now suppressed, on the solicitation of Murray, who thus appears to have regained his former authority over the Queen's councils.¹

It is unquestionably of great importance to the interests of truth ; and to the satisfaction of every reader, to rest a moment here, at the conclusion of the year 1566, and the beginning of the subsequent ; that it should be clearly ascertained, who had the influence of the Queen, and government, at that memorable epoch. With regard to the Queen's family : she was no doubt influenced by her women, and, still more by her medical men. Darnley, at that period, lay at his father's house, at Glasgow, sick of the small-pox and in the care of the Queen's physician. The government was chiefly managed by Murray, and by Maitland, the Secretary, one of the ablest, and basest men

¹ If we were to believe the interpolated Memoirs of Melvill, 76-7, " Bothwell now ruled all at court."

of that age, while the offices of state were chiefly filled by Murray's creatures. Huntley, indeed, was Chancellor, though without much influence; as he seems not to have had much ability, or experience. The Justice-general was Argyle, the brother-in-law of Murray, with influence, in proportion to the number of men, whom he could raise.^m Bothwell, according to Melvill, ruled all at court; and Robertson, who relies on this corrupt authority, without quoting it, is quite indignant, that the Queen should allow Bothwell, to have so much ascendancy over her: But, do we see him acting, with any such ascendancy? Yes; he threw in his feeble voice, in favour of Morton's pardon, as he expected aid, from him, in return, when his countenance would be important. It was Murray's influence, which chiefly obtained Morton's return; as we may learn from Bedford, who saw what he relates. We perceive Murray, soon after, put an end, by his influence, with the Queen, to the Archbishop's commission. On the 28th of December 1566, we may see the Queen in correspondence with

^m Richardson, the Treasurer; Sir James Balfour, the Clerk Register; Sir John Bellenden, the Justice Clerk; Spens, the Queen's Advocate; and David Forest, the General of the mint, were, mostly, all creatures of Murray.

Murray, but not with Bothwell:^a The fact, then, confutes the calumny. On the 10th of January 1566-7, we may observe Murray, sitting in the Privy Council, which was then held, at Stirling; and which advised “provision, for the sustentation of the ministers, in Burrows.”^o And, above all, we may perceive, a most important grant to Murray, from the King, and Queen, on the 31st of January 1566-7, only ten days, before Darnley’s murder.^p We may from those circumstances, see, then, that Murray was the Queen’s chief minister, at the opening of the fatal year 1567.

The Queen remained, at Stirling, till the 13th; and came to Edinburgh, with the Prince, on the 14th of January 1567, being perfectly

^a In the Treasurer’s books of the 28th of December, there is a charge of 12s. paid to a boy, passing, from Stirling, with close writings of our sovereign’s to the Earl of Murray, in St. Andrews.

^o Keith, 570. But, Bothwell was not present, with the other Privy-counsellors: He was, about that time, on a visit to the Earl of Morton, at Whittingham, to engage that daring man, in the murder of Darnley.

^p *Privy Seal Reg.* xxxvi. p. 1. It was to enable Murray, to raise money on his abbey, and estates; as his numerous faction was a constant drain upon his income, great as it was: He pretended, indeed, to have embarrassed his revenue, by attending the court, on the Queen’s affairs.

acquainted with the progress of Darnley's disease, from the information of her physician.

Meantime, many disquieting reports were propagated, in Scotland, England, and in France: It was said, at Glasgow, and at Edinburgh, that Darnley intended, to seize the prince, to cause him to be crowned, and to govern, in his name. But, Mary, though she saw the purpose of this report, and caused several persons to be examined, could not trace it to its malignant source. Rumours of a still more terriffick kind, importing some great explosion, were propagated, at Paris. Secrets, which are intrusted to several, can seldom be kept. It had, indeed, been early foreseen, and foretold, after the arrival of Darnley, in Scotland, that a prince, who showed his *frowns*, oftener than his *smiles*, could not live long among such a people. It appeared, plainly, to those statesmen, on the continent, who obtain political knowledge, from conjecturing what must necessarily happen, by comparison of circumstances, that Darnley, with such manners, and vices, of character, could not exist amidst nobles, who were irascible, and fierce; who were in the habit of plots, and in the practice of assassination; who, with many pretences of religion, possessed none of the principles of morals: Those various reports had been spread,

by Murray's faction, to cover their real design. Yet, whatever might have been the causes of dissatisfaction, which the Queen may have had, with the King, her husband, they did not prevent her, from accepting his desire of reconciliation, or from bringing him, from Glasgow, as soon as he could bear, such a journey, at such a season.¹ For that end, she set out, from Edinburgh, on the 24th of January 1566-7, in the afternoon, and arrived, on the subsequent day, at Glasgow. She left that city, with Darnley, on the 27th of the same month; arrived at Linlithgow, on the 28th; and they came to Edinburgh, on the 31st, when he was carried to a lodging, which had been provided for him, in Kirk-a-field, within the southern suburbs.²

The King, and Queen's reconciliation, and her desire of pleasing him, had been remarked,

¹ See her letter of the 20th January 1566-7 to her ambassador, in Paris, in Keith's *Pref.* viii.: The proofs of her reconciliation, at that period, with her husband, are quite satisfactory. What more could a reconciliation be with such a prince, than a promise to live with her, as became a husband of his rank? "God knows (said she, in her letter of the 20th of January 1566-7) our part always towards him; and his behaviour, and thankfulness, towards us, are equally well known to God, and the world."

² The records ascertain those dates, which cannot admit of any reasonable doubt.

at Glasgow, and still more, in Kirk-a-field : And the Queen, who had refused to be divorced from him, in the preceding December, now expected, probably, some years repose, with her wayward husband : But, what expectations could she entertain, among a credulous people, and amidst statesmen of unbounded profligacy ! The conspiracy against Darnley's life, which had been first thought on, by Maitland, and Murray, at Michaelmas preceding ; resolved on, during the Justice-air, at Jedburgh ; and matured, about the beginning of December ; was carried into full effect, in the night between the 9th and 10th of February 1566-7. Murray, who had the greatest interest, in the effect of this plot, was the chief of the conspirators ; Maitland, the Secretary, was the contriver of the plan, which went the full length of dispatching Darnley, and dethroning the Queen ; Morton, the most audacious, and wicked of mankind, engaged to support them, in destroying an enemy ; and the execution of so base a deed was assigned to Bothwell, who was hated by them, and who was to be rewarded with the Queen's marriage ; so that this well-conceived conspiracy was intended to ruin both, Bothwell, who was to be made the scape-goat, and the Queen, who was to be dethroned. By matchless artifice, this detail of villainy was,

completely, executed. The death of Darnley, which was superintended, by Bothwell, was involved in mystery, by strangling the devoted object, with the servant, who slept in the same apartment, and by blowing up the house with gunpowder. Murray, whose sanctity of manners, required many observances, went, from Edinburgh, into Fife, on a visit to his wife, on the day, before that shocking event; and he had made some preparations for war.* Morton, the Earls of Bothwell, and Murray, were immediately said, to have been the perpetrators of that odious crime.[†] Yet, at so critical a moment, Murray did not remain long absent, from Edinburgh. He continued to act, as the Queen's principal adviser, throughout the two subsequent months, [9th Feb. to 9th April] of suspicion, and recrimination, of private informations, and publick charges."

* Lesley's *Defence*, 1569, p. 44; Keith, 365. He had already written to Secretary Cecil, for bows, arrows, and quivers, which were sent, under Elizabeth's warrant, dated the 13th of February 1566-7, which was founded on the suit of the Earl of Murray." Harl. MSS. 289. f. 95.

[†] Keith, 365.

[‡] The publick business of the Scottish government was then conducted, by Secretary Maitland, under the general superintendence of Murray. On the 8th of March 1567, when Murray was to give a dinner to Kylegrew, who was

But, the time was at hand, when Murray, according to his practice, was to absent himself, from Scotland, as he knew, that scenes were to be acted, in which he could not participate, without loss of character. He easily obtained the Queen's license for travelling into England, and into France. He left his affairs, in the hands of Morton, and Maitland: He endeavoured to conciliate Huntley; and on the 9th of April 1567, he set out, from Edinburgh, for London, and Paris. In his conference, with Secretary Cecil, he appears to have com-

sent by Elizabeth, to condole with Mary, he invited Huntley, the Chancellor, the Earl of Argyle, the Earl of Bothwell, and Secretary Maitland: Morton was absent in Fife. Bothwell, we thus see, was invited to Murray's table, three weeks after Bothwell had been placarded, and charged, as the murderer of Darnley; and yet, Murray, and Bothwell, till the epoch of this conspiracy, had never been friends: This fact proves, that Murray countenanced Bothwell, after he had been publicly accused, as the murderer of the King. Murray was present, in the Privy Council, on the 14th of March 1566-7, when a prosecution was ordered against one Murray, who had placarded Bothwell, and others, for the King's murder. [Anderson's *Col.* i. 38] Murray was present in the Privy Council, on the 19th of the same month, when the Queen gave a discharge to the Earl of Mar, for keeping Edinburgh-castle. [*Parl. Rec.* 751.] But, Murray was not present, on the 28th of March, when the Privy Council ordered, that on the 12th of April 1567 Bothwell should be prosecuted, for the King's murder.

municated to him the whole detail of what was designed, in Scotland; and Cecil took Elizabeth's orders, in consequence, for giving successful effect to the intended measures, by ordering Bedford to his post, at Berwick; in order, *to countenance the lords*, when they should draw their swords against the Queen, and Bothwell. The insurgents, in Scotland, corresponded, constantly with Murray, in France, by means of Cecil. The *Cabala* is the record of their guilty measures. Cecil not only transmitted their letters to Murray; but, he obtained him credit, for money, to enable him to return, when the imprisonment of the Queen, and her dethronement, made his presence necessary: The French government caressed Murray, when they should have imprisoned him. If he had not privately retired from France, he would have been arrested, as a hostage for Mary's safety. In the meantime, Morton, with his associates, raised an insurrection against Mary, and Bothwell, which ended, by expelling him, and dethroning her. Murray, with the aid of Cecil, returned to Edinburgh, on the 9th of August, where, he had been chosen regent, by his own partisans, rather than by the Queen's destination, who had been imprisoned by them. His entertainment of Bothwell, after he had been denounced, as the

murderer of Darnley, and a few days, before he set out for France, forms a strong proof of the guilty conduct of this distinguished hypocrite.*

* The following letter, from Murray to Throckmorton, dated 13th of March 1567, only five days after Murray had entertained Bothwell, at dinner, which has been transcribed, from the MS. Col. of Mat. Crawford, Professor of Church History, will show, to every discerning eye, a striking picture of a guilty mind: "Triest friend: After my maist hearty commendations; gif after sic accidents, as lately hath fallen out, in thes parts [the murder of Darnley] another messenger had been sent towards the Queen, your soveraigne, nor the present bearer, [Robert Melvill] I would have been earnest, to let you know more amply of my mind, by write: But, in respect to the sufficiency of my said friend, I will not be long: He hath hard, and seen, more than I can write: I will desire you to give him credit upon my behalf; and that *accidents proceeding from the bottom of wickedness* [the murder of Darnley] alter not the gude wills of sic [such], as upon maist just reasons, and considerations, has delivered [determined] to follow further godlye and gude purposes: And thus I end; committing you heartily to God: From your maist assured—James Steward." Such is the guilty scribble of Murray. Throckmorton was, probably, disappointed, as Cecil was, by the uninstrusive inanity of Robert Melvill's story. The truth is, that this agent of Murray was not intrusted with the secret: Nor, did Secretary Maitland choose to reveal it to Cecil: Murray, Morton, and Maitland, could not avow to Cecil, that they had committed such a murder, by such means. See the *Cabala*, 125: "Master Melvin is come hither, from Scotland, by whom we looked, that we should have heard many circum-

It is more than probable, that Elizabeth, and Cecil, did not know the whole extent of the Craigmillar conspiracy: Their spies could, only, reveal to them what they heard, in the country, and what would please at court: The conspirators, in habits of confidence, as they were with Cecil, were too circumspect, to reveal to such a minister, either the purpose of their plot, or the detail of its execution. It fell to the lot of Secretary Maitland, as we shall see, to baffle Elizabeth's messenger, who arrived early on the day of Bothwell's trial. Cecil was either ill-informed of Scottish matters, and men, or he misrepresented what he knew, to the English ambassador, at Paris.⁷

stances of the murder ; but, he cannot, or may not, tell us any more than we knew before."

⁷ In his dispatch to Sir Henry Norris early in March 1566-7, Secretary Cecil says of Scots news: "There do adhere together, *with the Earl of Lennox*, Argyle, Morton, Athol, MURRAY, Cathness, and Glencairn, who mean to be at Edinburgh, very shortly, as they pretend, to search out the malefactor." [*Cabala*, 126.] But, Cecil knew, that the nobles, mentioned by him, belonged to Murray's faction, and not to Lennox, who had no faction: Cecil wished to draw away the attention of Norris, and of those, with whom he conversed, from Murray, as the chief of the greatest faction, in Scotland. Cecil, in his next dispatch, of the 21st of March, says to Norris: "The common fame, in Scotland, continueth upon the Earl of Bothwell to be the principal

The moment, that the Queen, by marrying Bothwell, had fallen into the snare, that the conspirators had laid for her, than they be-

murderer of the King ; and the Queen's name is not well spoken of: God amend all that is amiss!" Bothwell was tried on the 12th of April 1567 ; and, as had been concerted by the conspirators, was easily acquitted ; as he was supported, by Morton, and Maitland, Murray's agents. After the rising of the Parliament of April 1567, a writing was signed, by Morton, and Maitland, and all, whom they could influence ; declaring the innocence of Bothwell, avowing his fitness, as a husband, for the widowed Queen ; and engaging to defend both his innocence, and his marriage, with the Queen. Murray is said to have also signed this infamous document : But, as he had left Edinburgh ten days before, it would require strong evidence, to prove such a fact, as the signing of such a paper, which was so inconsistent with his characteristick caution : Yet ; he had assented to the conspiracy ; and one of its principal points was, *to marry the Queen to Bothwell* ; to disgrace, and then, to dethrone, her. What passed between Murray and Cecil, when they met, at London, is not certainly known : But, in Cecil's letter to Norris of the 12th of May, he says ; " The Queen of Scots, I think, will be wooed to marry Bothwell [she did marry Bothwell on the 15th of May :] the principal of the nobility are against it ; and are at Stirling with the prince." [*Ib.* 126-7.] We here see, that Cecil foresaw the marriage, and the conspiracy of nobles, who first came out, on the 9th of June, to oppose Bothwell. He must have had this foreknowledge, from Murray, who knew, when he left Edinburgh, *what was to happen* ; as he had a strong interest in the result.

came very communicative with Cecil. They conveyed their letters, for Murray, through the friendly hands of Cecil, who now saw his way to the dethronement of the Queen, and the elevation of Murray to the viceregal chair. Murray's faction took arms, to free the Queen, from the domination of the guilty Bothwell; and the same nobles made her a prisoner, contrary to their own agreement, and sent her to Lochleven-castle,* while they allowed him to escape. It is quite apparent, from what has been already intimated, that Murray was completely identified with the insurgents, in Scotland, and the transactions therein. He was, in fact, their chief: Cecil, also, by his proceed-

* We learn, from Cecil's dispatch of the 26th of June: "The best part of the nobility have confederated, to follow by the way of justice, the condemnation of Bothwell, for the murder of the King: Bothwell defends himself by the Queen's maintenance. The 15th of this month, he brought her into the field, with power, which was so small, as he escaped himself, without fighting, and left the Queen in the field, and she yielding herself to the lords, flatly denied to grant justice against Bothwell: So, they have restrained her, in Lochleven, until they come to the end of their pursuit against Bothwell." Thus far Cecil! But, his dispatch was deceptive, and he intended to deceive. The best of the nobles, which he speaks of, were only Murray's faction, under a new shape, with Morton, the assassin of Rizzio, at the head of it.

ings, identified himself with the same insurgents ; by acting for them, with Murray, against Mary.*

Whatever might be the anxiety, or artifices, of Cecil, the objects of Murray, in France, and his aims in Scotland, did not altogether elude the vigilance of Mary's ambassador, at Paris. It was here known, on the 25th of June 1566, that the Scottish Queen had been taken, on the 15th, and, on the morrow, imprisoned in the Castle of Lochleven. Murray was presently sent for, and plied, said the ambassador, Norris, with fair words, and great promises, if he would use his influence, to get the Queen, and her son, into France ; and the French King added, that it should cost him dear, but that he would

* In his dispatch of the 26th of June, to Norris, at Paris : " I, at this time, send unto you certain packets of letters, left here by Mr. Melvin, who, lately, came hither, from the Queen of Scots ; the sending of those to my Lord Murray requireth great haste, whereof you may not make the Scots ambassador privy : His return into Scotland is much desired of them [the insurgents], and for the weal both of England, and Scotland, I wish he were here." [*Cabala*, 128.] Cecil again wilfully supposes, that there were two factions, in Scotland, the Hamiltons, and the Lennoxes ; whereas, there was only Murray's faction. [*Ib.* 129.] Cecil shows his anxiety, for Murray's return, by saying ; " If my Lord of Murray should lack credit, for money, my Lord Steward would have his son give him such credit, as he hath ; for my Lord alloweth well of his friendship." [*Ib.* 129.]

have them both safe within his kingdom. The Cardinal of Bourbon, the Constable, and D'Andelot, have been with the King, and his mother; to urge them, to leave no means unattempted, to effect this enterprise: And thinking to do it the sooner, by Murray's help, they offered him the order, and also great gifts of land, and living: To which end, I understand, continues Norris, young Villeroy is gone into Scotland, to offer them of the spirituality, spiritual promotions, and honours, and to the temporal lords, such temporal preferments, and honours, as he thinketh may best win those, that be now the chiefest, and in most authority.^b We thus perceive the corrupt transaction, between the French court, and Murray: He received large sums of money for doing certain things, according to a promise, which he never intended to perform: If he be a swindler, who obtains property, on false pretences, what must he be, who obtained money, and a pen-

^b Norris's letter to Elizabeth, 2d July 1566, in the Brit. Mus. from the original in the Pap. Office. It was afterwards said, by Throckmorton to Elizabeth, in his letter of the 12th of August from Edinburgh: "I am sure, your majesty is advertised of the present the Lord of Murray had given him, at his coming forth of France, which was valued at fifteen hundred crowns of the sun, and of the pension, that Lynerole [the French envoy] hath brought him of 4000 franks yearly." [In the Brit. Museum.]

sion, on promises, which Murray had no purpose to perform?

As soon as Murray understood, at Paris, that his partisans, and agents, had successfully executed the previous plot of dethroning the Queen, than he began to think "to make his repayre home:" But, he at the same time resolved to send his agent Elphinston, through London, to Edinburgh.* As he was strongly suspected, by Mary's ambassador, at Paris, of sinister intentions, with regard to his sovereign, an order was issued to arrest him.^d The English ambassador, under the instructions of Cecil, was too artful, and active, for the French councils. He sent his Secretary, Jenye, to secure a vessel, for Murray's safe conveyance, if he should even go to England, for a proper bark.^e

* Norris's letter to Elizabeth, 2d July 1566.

^d Keith's *Pref.* ix. *Ib.* p. 412.

^e The following letter, from Jenye to Cecil, dated, at Rye, the 13th of July 1566, throws much light on Murray's retreat from France: "It may please you (Right Hon. Sir) that my Lord of Murray, finding himself, by his long delays of the French King, as also in hazard of detaining, by force, beside some peril of his person, by such as have grudged much his affection towards England, required my lord, my master [the English ambassador, Norris] to assist him, by some policy, to escape secretly out of France: Whereupon,

Meantime, Murray wrote a letter of credence to Cecil, by his agent Elphinston, whom he sent into England, for such causes, as he would declare at length, and requests Cecil to credit him. "Upon this respect (says Murray) I will not write your lordship, at sic length, as I would haif done utherways: I believe alwayes, that your lordship will put to your helping hand, when occasion offers, as ye haif done at

I was dispatched towards Deepe, to staye some English barke, under some colour; (for my Lord of Murray will pass in no Frenchman) and if I found not an Englishman there, to haste over hither, to Rye, to provide him with all diligence; where, I am arrived this afternoon, at four of the clocke: and meanes, as soon as tide, and winde serves, God willing! to repair towards Deepe again, where a messenger attends my arrival, to give knowledge to my Lord of Murray, at the court, whereby, he may, under the assurance of his vessel, determine, and adventure his purpose.

"The Prince of Condé his sudden departure. from the court, both with much difficulty, and much discontentment, as also other emulation, in courte, and differences otherwhere which promiseth some new garboyle, is one particular of the mistrust, my Lord of Murray hath of himself; besides other cause, with the rest, which I have by word of mouth to advertise your honour of, at my arrival with you, which shall be, God willing! so soon as I have landed my Lord of Murray, in what part of England soever it be. Thus, in haste, I humbly take my leave of your honour, from Rye, this 13th July."

[Copy in the Brit. Museum, from the original in the Paper Office.]

other tymes afoir.”^f This note is in the true character of Murray, who, from his usual caution, would not commit his full purpose to writing ; but referred to an agent, for an exposition, who was not himself intrusted, by his employer. But, what was the mighty design, for which the powerful hand of Cecil was thus required? It was, only, the dethronement of the Scottish Queen ; the coronation of her infant son : and his own appointment, as Regent, during the King’s minority. Whatever there may be in this, we have now evidence, under Murray’s hand, that he was engaged in some plot.

At length, on the 8th of July 1567, arrived at London, Elphinston from Murray, at Paris. He had an hour’s conversation with Elizabeth. He had brought letters, from Murray, to the Queen of Scots, which he was charged not to deliver to any hands, but her own ; and particularly, that the lords, who detained the Queen in prison, should not see them ; as he was not satisfied with their conduct, in proceeding so violently against her ; and as he would be her true servant, in all fortunes.^g After imposing

^f At Paris this 2d of July 1567.

^g Heneage’s letter, from the court, to Cecil, in London, 8th July 1567 ; conveying Elizabeth’s orders to him. [In the Brit. Mus. from the original in the Paper Office.]

upon the French court, Murray endeavoured, thus, to delude Elizabeth, who in a melting moment, disapproved of subjects dethroning their sovereign. Murray, knowing this disposition of Elizabeth, gave in to her sentiments, in order to delude her.^h And she was, certainly, persuaded, that there was not so honourable, and true a servant as Murray, to the Queen in Scotland. Thus is it, for such a personage, as Elizabeth, to be deluded, by such a hypocrite!

Murray seems to have arrived, from France, at London, towards the end of July, accompanied with his usual propensity to imposition. Cecil, and he, agreed perfectly together; as they both, on that occasion, tried, to delude Elizabeth, and to injure Mary. Murray remained not long, at London considering the critical state of affairs, at Edinburgh. He, however, went out of his way, to visit Sir

^h When Elphinston arrived at Edinburgh, from Murray, the Lords, who had imprisoned the Queen of Scots, would not allow him to have access to the Queen, nor to send my Lord of Murray's letter unto her. [Throckmorton's letter to Elizabeth, from Edinburgh, 16th July 1566, in the Brit. Mus.] He repeated this intimation, in his letter to Cecil of the 18th of July; and in that to Elizabeth of the 19th of July. [*Id*] The lords, who did this, were Murray's agents, and coadjutors; and they did this, in order to show, hypocritically, that they were not influenced by Murray, though they acted, for him.

Francis Mildmay, at Apthorpe, where he played off his accustomed artifices.¹

Having Cecil's protection, Murray found the road, through England, to Berwick, very easy to him. He rested the night of the 10th of August, at Whittingham, which was propitious to crime ; and here was he met, by Secretary Maitland, whose intrigues were here recollected. Here were Murray's future movements agreed upon, and detailed, with this able agent. On the 11th, Murray set out, for Edinburgh ; and he was met by great numbers of gentlemen, and others. Throckmorton, thinking to promote Elizabeth's ends, met Murray on the road, about three, or four miles distant, from the capital. He found Murray very *honourable*,

¹ Mildmay's letter to Cecil, 4th August 1567, from Apthorpe. " If the government (said Mildmay) rest, only in the Earl of Murray, it will be well, as I think, for stablishing of religion, and continuance of amity here ; for otherwise, as you know, amongst many are many affections : His Lordship, passing homewards, was content to come so far out of his way, as to lye with me, on Friday night last. I found him very wise, and well affected to the maintenance of good friendship, between these two realms ; remembering to me, very thankfully, benefits received, especially that of Lithe, which he said was able to wash out all particular griefs. Doubtful, methought he was, to receive his *prepared* authority." [In the Brit. Mus. a copy from the original in the Paper Office.]

sincere, and direct ; so I found him not resolved what he will do, nor what he will consent unto : *Abhorring on the one side the murder of the King, and the circumstances conjoined therewith, which he can like in no wise should pass with impunity.*^k So, on the other side, do I find in him great commiseration towards the Queen, his sister : And yet not fully determined, whether he will accept the regency, or refuse it ; though he be pressed thereto, by all those lords, and gentlemen, which have dealt in this action. What hypocrisy, in Murray ! What delusion, in Throckmorton ! We have already seen, that every event, which had taken place, since the imprisonment of the Queen ; the coronation of her son ; the appointment of Murray, as regent ; had all been agreed upon, between Murray and his partisans, before he had left Edinburgh, for Paris. And Murray's whole *conduct*, and *conversation*, from the moment, that he learned, from his agent, of the Queen's imprisonment, were assumed, and directed, by the deepest dissimulation, for mere popular effect. Acting thus, Murray was received into the town of Edinburgh, with great joy of all the people.^l

^k The attentive reader will easily recollect, that Murray's agents, and faction, were the murderers of the late King.

^l The whole of the above account was taken, from Throck-

After some days of intrigue, Murray was declared Regent, in the following manner: At a great assembly of lords, barons, gentlemen, and others, in the Tolbooth of Edinburgh, the Justice Clerk, publickly, read the Queen's Commission of Regency, under her hand, and privy seal: Whereupon, the Justice Clerk willed the said earl, in the Queen, and King's names, to accept the said charge, and to proceed to the taking of his oath. Thereupon, the Earl made a long discourse, stating his insufficiency for that charge: Notwithstanding, being again pressed, by the Justice Clerk, in the names of the Queen, and King, and by the intercession of the other lords, and the assistants, the earl did accept the office of Regent: Whereupon, the Justice Clerk did administer to the regent the same coronation oath, which Morton had taken, when the infant King was crowned: There were now certain articles read unto the Lords, which were proposed, by Murray, to be consented to, by them. This done, the earl took his place, as Regent; and there was great joy made amongst all sorts, said Throckmorton to Elizabeth.^m This

morton's letter to Elizabeth, from Edinburgh, 12th August 1567, in the British Museum.

^m In his letter, from Edinburgh, of the 23d of August 1567, in the Brit. Museum. See also Birrel's *Diary*, ii.:

ceremonial was contrived, for stage effect : But, as to the refusal of Murray to accept the regency, which he had committed so many crimes to obtain, this can only be regarded, as another example of the profound dissimulation, whereof he was so great an adept.

The articles, which were, on that occasion, made between Murray, and his own agents, and partisans, is another proof of the gross duplicity of all the parties.^a The entering into

On the 22d of August, James Earl of Murray was made, and proclaimed regent, with great solemnity, by the heralds, at the Cross, till the King should attain his age of seventeen.

^a The following is a copy of the articles, which were sent up to Elizabeth, by Throckmorton : and which remain in the Brit. Museum : They begin with a recital of the Queen's resignation, and appointment of Murray, as regent, his fitness, reluctant acceptance, and the necessity of effectual support, and concurrence of the council, nobility, and estates, for which purpose, the following articles were agreed on. 2d. They shall concur with the Regent, in establishing the true religion, &c. ; and for this effect, as well as for other things, concerning the policy, and government of the realm, a Parliament shall be held, as soon as it may goodly be. 3d. They shall concur with him, in setting forth justice equally to the lieges, according to the laws. 4th. The council, and nobility, shall accompany, and remain with the Regent, in such places, as shall be thought expedient until the King's authority be, universally, established, through the whole realm. 5th. That upright, and proper persons shall be placed in the publick offices ; and the others, who

such articles was designed to delude the great vulgar, and the small, to suppose, that similar agreements were not made between Murray and his agents, and partisans, before he went from Scotland to France. The last article was so contrived, as to enable the Regent, to set aside the promises, which he had given, in France, and perhaps, in England, for relieving the Scottish Queen.

As Murray had departed, from Edinburgh, on the 9th of April, and returned, on the 11th of August, he was absent five months : while the most important events had been effected, for the common benefit of Cecil, and Murray. 1st. Morton, and Maitland, with the aid of Murray's partisans, tried, and acquitted Bothwell, for the murder of the King : Now ; Both-

now hold them, shall be removed therefrom. 6th. No respect, or remission, shall be granted to any person, for any murder, or other equivalent crime, which shall be committed, from this date, during the time of his regency. 7th. At the Regent's proceedings, for maintaining authority, executing justice, &c. none of the council, or nobles, shall grudge, but shall give him assistance. 8th. Item, on the other side, my lord Regent faithfully promises, that in no time, during his regency, he shall contract with any foreign princes, toward peace, war, the estate of our sovereign lord the King, his marriage, the liberty of the Queen his mother, nor shall speak with her, send writing to her, or have intelligence of any sort with her, without the advice of my lords of the secret council present, or of the most part of them.

well could not be tried, a second time, for the same offence: Could Morton, and Maitland, again charge Bothwell with that offence, without criminating themselves? 2dly. Morton, and Maitland, by artifices, and violence, enabled Bothwell to marry the Queen, by means, which were treason in him, but inferred no guilt in her. 3dly. Against this marriage, thus consummated, by their guilty artifices, and by his treasonous coercion, Morton and Maitland, two of the King's murderers, and Murray's agents, drew their swords, upon the avowed pretence, of freeing the Queen from the bondage of Bothwell; yet, when she left her army, and Bothwell, and joined Morton, and his insurgents, on condition of their obeying her, as their Queen, he made her a prisoner, and sent her to Lochleven-castle; allowing Bothwell to depart, without obstruction, from this treacherous scene. 4thly. This consummation of one of the great steps of their conspiracy, Morton, Maitland, and the other conspirators, immediately, communicated to Murray, by letters, which they inclosed to Cecil, by Robert Melvill, another instrument of Murray, who was said, by Cecil, to have come, from *the Scottish Queen*, and *not from the insurgents*: Thus happy were all those statesmen, in the convenient terms, wherein they concealed their arti-

fices, and their objects ! So much was Murray deemed, by the insurgents, as the chief of their conspiracy, that they refused, to treat any more with Throckmorton, Elizabeth's agent, till Murray arrived among them.^o—5thly. On the 24th of July, they compelled the imprisoned Queen, by their usual artifice, and violences, to resign her sceptre to her infant son, whom they, immediately, crowned, and to appoint Murray, as his regent, during his infancy.—6thly. If it be asked, by what authority the Queen's son was crowned, and Murray appointed regent, since the Parliament did not meet till the subsequent December ? the answer may be given, in the audacious falsehood of Secretary Maitland, in the *voluntary hand writing of the Queen*, commanding the coronation of her son : At the coronation, this *falsehood* was *sworn* to be *fact*, by the Lords Lindsay, and Ruthven, the two wardens of the Queen, who compelled their imprisoned sovereign, by threats, violences, and terror, to sign the acts of resignation of her sceptre, and the appointment of Murray, as regent : The true answer must be, that the coronation of the boy James, and the appointment of the conspirator Murray, as his regent,

^o Throckmorton's letter to Elizabeth, 5th August 1567, in the Paper Office.

proceeded from the unhallowed direction of the *secret council*, consisting of six, or eight, nobles, with the murderer, Morton, at their head, and the treacherous Maitland, as their secretary. The result, then, is, that Murray was one of the original conspirators against the late King, and Queen; that he knew, when he went to France, the whole detail of what was to happen to the Queen; and what would be the consequence to himself, in being placed, by a series of villainies, and treasons, in the vice-regal chair. The moment, that the dethronement of the Queen was effected, by her imprisonment, he resolved, with the aid of Cecil, and Norris, to return to England, whose zeal, and whose efforts, for that end, we have seen: He, meantime, by a duplicity, which was natural to him, imposed upon the French court; deluded Elizabeth; and deceived the friends of the Scottish Queen. In a letter to Cecil, Murray professes his sincerity; and at the same time, assures his correspondent, that the regency was an office *neither welcome nor pleasing to him*.^p But,

^p A copy in the Brit. Mus. from the original in the Paper Office, dated, from Edinburgh, the 30th August 1567, Murray always writes like a man, who wishes to conceal the one half of what he has to say. He, however, tried to make Cecil understand, that he was not one of his highness's mortal

amidst so much profligacy, it is almost impossible to hear the voice of sincerity, or to understand the dictates of truth. Certain it is, however, that the appointment of Murray, as regent, by his own agents, and fellow-conspirators, is a decisive proof, that the revolt, which produced it, under the management of Morton, and Maitland, was made for his benefit, as we must even infer, from the busy interference of Cecil; and was, moreover, the only genuine *denouement* of the sad tragedy, that was written, with blood, in Craigmillar-castle, when the Queen refused, so decisively, to be divorced from Darnley. It is a remark of L'Estrange, which applies, very appositely, to the conspiracy of Craigmillar-castle: "If one were to launch into the history of human nature, we should find, the *minions of princes*, linked in "conspiracies against their masters." The whole reign of Mary is a continued proof of this just intimation. It was a period of plots; owing to the treachery, and talents, of Secretary Maitland, the active agent of the Earl of Murray.

enemies, the murderers of the King his father. It cannot be too often repeated, that the leading men, Morton, and Maitland, Murray's agents, were two of the principal murderers of the late King; and that Murray himself was the chief conspirator.

The great efforts, that were made to relieve the Scottish Queen, from her unmerited imprisonment, altogether failed. The French King, Charles IX., was her sincere, and active friend : But, the Queen-mother was her zealous, and insidious, enemy : The agents, who came, from Paris, to Edinburgh, were actuated, by such contrarieties of conduct, which was of little value to the unhappy Queen, and less credit to themselves. Elizabeth, in a melting mood, took part with Mary ; as she was not much pleased to see such nobles imprison their sovereign : But, Cecil traversed his Queen's good purposes : And when Throckmorton arrived, at Edinburgh, to solicit the cause of Mary, he acted under publick instructions, from Elizabeth, and private instructions, from Cecil. Morton, Maitland, and other nobles, who held the Queen, in bondage, knew the opinions of Cecil ; and whatever might be their conduct to Mary, they foresaw would be protected by that powerful minister. Murray, with all his promises to Charles IX., and his blandishments to Elizabeth, had always aimed at the Queen's sceptre, which he now enjoyed, and said, and unsaid, whatever suited his purpose, with regard to the Scottish Queen, of whose ruin he had been the principal plotter. Those insurgents, with Morton, and Maitland,

at their heads, who held their sovereign, in du-
rance, Murray could have commanded, as his
agents, and partisans; But, his dissimulation
induced him, to be over-ruled, by them, in what-
ever related to her relief. Soon after the coro-
nation of her son, she was taken with several
fits of an ague, and kept her bed:¹ She not
only kept her bed, but, notwithstanding her
son's coronation, she was guarded, in the same
place, as straitly, as she had ever been; Lord
Lindsay being returned from Stirling to Loch-
leven:² They thus acted towards the unhappy
Queen, to evince, how voluntarily, she had re-
signed her sceptre, how willingly, she had com-
manded the chiefs of the insurgents, Morton,
and Maitland, to crown her son.

As soon as Murray became regent, he avow-
ed, that there should be no subject, nor place,
within the realm, exempted from the King's
authority, and that none should be exempted,

¹ Throckmorton to Elizabeth, from Edinburgh, the 26th
July 1567.

² *Ib.* 31st July, in the Brit. Mus. from the original in the
Paper Office. In his letter of the 2d of August to Elizabeth,
Throckmorton informed her: "The Queen of Scotland is
" straitlier kept, at Lochleven, than she was yet; for now
" she is shut up in a tower, and can have none admitted to
" speak with her, but such as be shut up with her." [In
the Brit. Mus. from a copy in the Paper Office.]

from obeying him, as Regent; otherwise he would stake his life, in the matter.* This was said, to overawe the many considerable persons, and places, who either denied the legality of the coronation, or resisted the King's proclamation. With the same design, several persons of note were summoned to answer the charge of being guilty of the late King's murder. But, knowing their own innocence, they did not hesitate to appear; offering to meet the charge. Considering that Murray, and his partisans, were the real murderers of the King, they carried too far this affectation of innocence, by a zeal for punishing even the least suspected persons of such a crime.†

The Regent soon acquired, by the corruptest means, possession of Edinburgh-castle: He, after a while, acquired Dunbar-castle, by force, and negotiation: Before the end of September 1567, by ardour, activity, and artifice, qualities

* Throckmorton's letter to Elizabeth, from Edinburgh, 23d August.

† Throckmorton's letter to Elizabeth, 23d August 1567: On the 23d of August, there ought to have appeared forty persons, who were suspected; but, there only appeared three of them; Sir James Cockburn of Skyrling, Sir Patrick Hepburn of Rycardton, and William Edmonstone, the son of the Parson of Talla: But, they were dismissed, to appear at a future day.

these, which cannot be denied him, the Regent had compelled every place, and person, to yield to his power. He trusted, however, for the support of his authority, to the insurgent nobles, who had conferred on him the regency, with the spoils of the Queen ; to the reformed clergy, who supposed themselves to owe nothing to the Queen, who had protected them, and given them bread ; and above all, Murray trusted to the artifices, and protection, of Cecil, whom he courted, by every mode of servility.*

The insurgents, even in the height of their success, owing to their artifices, bethought themselves of proofs, which might justify their recent conduct, that in every law amounted to treason. The queen, under the influence of a negotiation, voluntarily surrendered herself to the insurgent nobles ; expecting to be treated, as their sovereign. They imprisoned her ; they dethroned her ; they crowned her son ; they appointed Murray the boy's regent. Murray now approved of their measures, for those ends ; adopting their pretences, in the place of proofs.

The country, the clergy, the parliament, as it approached, seemed to require some other motives, and reasons, for the justification of

* Murray's letter to Cecil before quoted ; and the *Cabala*, everywhere.

their sovereign's imprisonment, than mere pretences. The warrant, for her commitment to prison, upon deliberate consideration, was regarded, as little more than pretence. They even relinquished the several charges, which they had avowed to Throckmorton, by the tongue, and pen, of Maitland, as sufficient proofs of her guilt, before Murray's arrival, from his deceptive journey to Paris, and London. At length, after the best consideration of the ablest, the artfullest, the basest men, Murray called a numerous Privy Council of his adherents, with the guilty Morton, and Maitland, as their advisers, on the 4th of December 1567. They now discussed those essential points of justification, for their treasonous conduct, as preparatory to an Act of Parliament, for legalising their whole conduct against their sovereign; consisting of treachery, and artifice, of violence, and wrong, of imprisonment, and divestment of regality, done, and performed, against an innocent Queen, by half a dozen nobles, with the murderous Morton, in their front: And, for so many villainies, what was their justification, if they admitted of any justification? They laid it down, as a maxim, that nothing can stand, when accurately examined, but what is founded on *naked truth*. Then what was their *naked truth*? It was the Queen's *own default*: For it

appeared, by her private letters, written, and *subscribed*, by her own hand, and sent by her, to Earl Bothwell, who was the *cat's-paw* of Murray, and his faction, in murdering the late king; who was tried for his foul offence, by Murray's partisans, and acquitted, by the management of Morton, and Maitland, Murray's agents. To demonstrate *the default* of the Queen, they, no doubt, brought *proofs of holy writ*. No. They brought the Queen's letters, written, and subscribed, by the Queen's own hand, into the Privy Council, to *demonstrate her default*. No: They were not produced, in evidence. Morton, only, said, that he had intercepted a gilt box, full of the said letters, written, and subscribed, by the Queen's own hand, in the possession of Dalgleish, Bothwell's servant, who was then, in their custody, who had brought them, from Sir James Balfour, the governor of the castle, who was then in the Privy Council. Were Morton, Dalgleish, and Balfour, examined, concerning this important transaction, which was to make out the *naked truth* of the Queen's default? No: There was no examination of any person, or of any thing: The whole discovery of the box-full of letters rested, then, upon the mere assertion of Morton, a common liar, and habitual falsifier. It is not true, therefore, that any such letters were pro-

duced, in the Privy Council : It is as little true, that any such box with letters had been ever intercepted.* But, they went on to say, that by an improvident marriage, soon after the king's murder, of the Queen with Bothwell, it is most certain, that she was privy to the murder of her husband. They concealed, however, the whole circumstances, attending the marriage, which would have evinced her innocence. They concealed, that Morton, and Maitland, Murray's agents, had obtained the acquittal of Bothwell, when tried for the king's murder; and that Morton, and Maitland, soon after obtained a declaration from many peers, and prelates; declaring the innocence of Bothwell; and recommending him, as the fittest husband, for the

* Like other inquirers, I once thought, that the said letters must have been shown, in the Privy Council; as so much was to be built upon them : But, upon considering the Privy Council Record, an original of which, I saw in the Paper Office, I did not perceive, that it recites the production of the letters; it only says, that they existed : And what the record does not recite, we cannot supply, by any presumption : As the record is silent, we must be, also, silent : Neither does there appear to have been any question asked of those, who were said to have seen that box-full of letters; Sir James Balfour, who had the keeping of them; Dalgleish, who had the carrying of them; Morton, who intercepted them : And, what does not appear, we are bound, by every rule of prudence, to presume does not exist.

Queen: They concealed, that Bothwell, with such a declaration in his pocket, went out, at the head of an armed force, and arrested the Queen's person, carried her forcibly to the castle of Dunbar, and therein coerced her to agree to marry him; Maitland, the Secretary, being present, to delude the Queen, with false advice. The treasonable conduct of Bothwell, in applying coercion to the Queen's person, was afterwards made, by Murray's Parliament, the grounds of attaining him of treason: So that the inference drawn, in the Privy Council, that the Queen knew of the murder of her husband, because she married Bothwell, who had been publicly declared innocent of the murder, is futile, and false. And, thus did they fail, egregiously, in making out the *default* of the Queen, as the best justification of the guilty persons, who imprisoned her. It is said, also, as an additional ground of justification of the insurgents, that *a great part of the nobility*, fearing that the Queen, and Bothwell, would murder them, as the king had been murdered, took arms: It is not true, that a great part of the nobility took arms: Admit the fact, that the Queen had been as guilty, as she was innocent, of her husband's murder; yet, half a dozen nobles, with Morton, and Maitland, two of the king's murderers, at their head, had no right to dethrone the Queen:

It ought to have been done, by a *national act*. Murray, and his faction, thus egregiously failed, in finding a justification, for the insurgents, and in fixing any guilt upon the Queen. Murray disgraced himself, on that occasion, by involving himself, in the iniquities of his faction. He disgraced himself, by speaking of those supposititious letters, which he was afraid to produce in evidence, as genuine: He disgraced himself, by concealing those circumstances of fraud, and force, which attended the Queen's marriage to Bothwell. But, Murray was, by habit, a hypocrite; and by acting on hypocritical principles, through life, entailed upon himself eternal disgrace.

The scene of inquiry, and of justification, was, in ten days, transferred, from the Privy Council, where there had been so little inquiry, or justification, to the first Parliament of James VI., and of the Regent Murray. Little more seems now to have been done, than to transmit the minute of the Privy Council, which is full of fiction, and falsehood, to the Committee of Articles, who formed it into an act of parliament, for justification of those guilty insurgents. In this committee of parliament, in which the murderer, Morton, presided, there was as little examination of circumstances, or of persons, or of papers, as there had been, in

the Privy Council;† though an act was to be grounded on the proceeding, in that council, for justifying a thousand wrongs, for criminating the Queen, by means of fiction, of forgery, and of falsehood; though a revolution in the government was legalized, on no better grounds, than the gross delusion, arising from those fictions, forgeries, and falsehoods.

Murray's Parliament at length proceeded, to try Bothwell, who had acted, as Murray's *cat's-paw* in the murder of the late king. He was charged, though he had been acquitted, with various points of treason: He was charged with the king's murder; he was charged with, traitorously, intercepting of the Queen's noble person, in her way from Stirling to Edinburgh; with carrying her, by force, to Dunbar-castle; with therein compelling the Queen, by coercion,

† The supposititious letters, which had been attributed to the Queen, in the Privy Council, were not produced in Parliament; as the act is silent on this important point: But, there is a discrepancy between the Register of the Privy Council, and the Act of Parliament, founded on it, which has been deemed important: The register said, that the Queen's letters were written, and *subscribed* by her own hand; the act stated, that they were wholly written, by the Queen's hand, but not subscribed. There were other *discrepancies*, which tend to prove forgeries, and fictions, without end. Goodall, ii. 64; *Black Acts of that Parl.* ch. 19.

and fear, while thus detained a prisoner, to agree to marry him, though he had then a lawful wife. Of all those treasons, Bothwell was found guilty, and forfeited;^z though the facts, on which he was forfeited, at the same time, acquitted the Queen of any guilt: The great difference, between the act justifying the insurgents, by the default of the Queen, and the act, thus attainting Bothwell, consists of these material circumstances, that the statements, in the first act, are all false; while the statements, in the last, are all true: By the falsehoods of the first, the Queen could not be criminated; by the truths of the last, she was acquitted of any guilt. Such then, were the treacherous grounds, upon which Murray's Parliament of December 1567, legalized Mary's dethronement, and Murray's regency. If the proceedings of the Privy Council, in the same month, disgraced him, the acts of this Parliament, which were founded on those proceedings, covered his dissimulation, with ignominy.

The administration of Murray, which was thus established, was altogether suitable to the savage manners of a degenerate people, vigorous and unfeeling. He punished some, who were guilty of the King's murder, and some,

^z *Acta Parl.* iii. 6-7, 8-9.

who were innocent. Morton, the Chancellor, and Maitland, the Secretary, were, with himself, the most guilty, as the most influential; yet, were they rewarded, and not punished. The French ambassador Lygnerol, who had acted, like the servant of two masters, at length applied to the Regent, for the Queen's release; but, his requisition, which was plainly founded, in an engagement, for a valuable consideration, Murray easily evaded, by saying what was not altogether true; that she was not so much his prisoner, as the Parliament's;^a who had *voted*

^a *Acta Parl.* iii. 28. This act legalizes the guilty conduct of those, who imprisoned the Queen: But, it may be doubted, whether it, expressly, authorized the detaining of the Queen, in future, though a very willing intellect may infer, that her future imprisonment was, virtually, implied. In the proclamation of the Regent, and the Privy Council, from Glasgow, the 3d of May 1568, it is said: "Forasmuch as my Lord Regent's grace, and the Lords of the Secret Council being advertised, how that the Queen, mother to our sovereign lord, being put, and keepit, in the place of Lochleven, by the advice, and consent, of the Estates in Parliament, is now escapit." Keith's *App.* 155. This recital of Murray, and his Privy Council, is untrue. The Queen was put into Lochleven-castle, by the unauthorized warrant of Morton, and six other persons; but not by the Estates: Nor, was it true, that the Queen was kept, in the same castle, by the authority, or advice of the Estates. None of the acts of Parliament of December 1567, provided, for detaining the

her to be faulty upon faulty proofs : Did ever any other Parliament legalize a revolution *without inquiry* ? Did any Parliament ever imprison a Queen, their sovereign, before, without a charge, and proofs ? Her supposititious letters were not produced in evidence, and her marriage with Bothwell, was, by the act of his attainder, declared to be a coerced, not a voluntary marriage. Murray, by acting, as we have seen, both in the Privy Council, and in the Parliament, made the Queen the victim of his ambition, by charging her with his own crimes, without producing one iota of proof. His Parliament, by legalizing all the violences, and villainies of his faction against his sovereign, without calling for proofs, or examining persons, disgraced themselves, rather than the Queen.

In the midst of the Regent's security, the Queen made her escape, from Lochleven-castle, on the 2d of May 1568 ; owing to the assis-

Queen a prisoner, in future. On the said 3d of May, this was a case unprovided for, by any positive law : And, therefore, the Regent Murray, unwarrantably, asserted to be true what was untrue, both in *fact*, and *law*. The notion of imprisoning *the King's mother*, by implication, was a part of the guilty code of the Regent Murray, which came down to him, from that very virtuous character, Lord Chancellor Morton, the assassin of Rizzio, the murderer of the King.

tance of George, and William Douglas, the one, a youth, the other, a boy : But, her triumph was short. In attempting to find a safe retreat, in Dunbarton-castle, her little army was defeated, by the Regent's vigour, on the 13th of the same month, at Langside. During her flight, her fears induced her to suppose, from a recollection of deceptive promises, that Elizabeth would give her an asylum, and aid, who only gave her a prison, and persecution. Cecil, her greatest enemy, secretly, rejoiced, when he heard of her arrival, at Carlisle ; as he had her now in his power, for whom he had laid so many snares. Mary, though she knew, that she was hated, by the Queen-mother of France, might have relied on the attachment, and protection, of Charles IX., who had a great friendship for the Scottish Queen.

What Mary could expect, from her *good sister* of England, advised as she was, by such a minister, as Cecil, cannot easily be conceived. The Scottish Queen, however, wrote from Carlisle several letters to Elizabeth, which are instructive, and eloquent ; and she solicited Elizabeth's aid, for her restoration, by the personal instances of Lord Herries, who served her with spirit, and fidelity, though he had been maligned, by Knollys, the Queen's warden : But, her rival Queen would consent to little more,

than to hear the mutual pretensions of Mary, and Murray; and to prevent the Regent, from ruining, by his violence, the friends, and adherents, of the Scottish Queen. Notwithstanding Elizabeth's application to Murray, he went on, with his usual resentment, to cast down the houses of some, to execute others, who were forfeited, by the Parliament, which he, purposely called, for those ends of vengeance.^b

The Queen had been thus compelled, by a faction of her nobles, with Murray, at their head, to seek an asylum in England.^c The unfortunate Queen was, however, immediately placed *in ward*, at Carlisle; and so remained under the custody of the vice-chamberlain, Knollys, till she was *ordered*, to remove to Bolton-castle.

Meantime, ensued a correspondence between Elizabeth, and Murray, of matchless artifice;

^b *Hist. K. James VI.* 42-6-7.

^c The convention of peers, and prelates, at Dunbarton, of that measure assert: "And yet, they who have enterprised the same are not in number the sixth part of the nobility, nor of the people of the realm: And there are six or seven Earls, who have vote in Parliament, before any of them, who have usurped their place; because with such treasonable, and deceitful means, they have obtained the strengths of the country, by great presents, and rewards, given to the traitors, who were the keepers thereof." [Goodall, ii. 354-5.]

by which the English Queen drew to herself an examination of the complaints of Mary against Murray; and, by the same means, Murray tried, to induce Elizabeth to prejudge the pretensions of both parties, without the knowledge of Mary.^d That correspondence ended, at length, in the appointment of an inquiry, at York, before Elizabeth's commissioners, the Duke of Norfolk, the Earl of Shrewsbury, and Sir Ralph Sadler, in the first week of October 1568. It is important to remark, that Murray, by his endeavours, to obtain Queen Elizabeth's judgment, before hand, on the satisfactory qualities of his proofs, evinces his own opinion of the box full of documents, as

^d See Elizabeth's letter, in Goodall, ii. 75 ; wherein she scolds Murray, at a great rate ; and, at the same time, slily accepts Murray's offer of " making declaration to her of his whole doings" against the Scottish Queen. See what Murray, and his counsellors, said to Middlemore, Elizabeth's agent, in Goodall, ii. 75 ; wherein Murray talks of having the Scottish Queen's *privy letters*, which, in their opinions, sufficiently proved her consent to the murder of her husband : In this document of the 22d of June 1568, they first intimate, that the Queen's supposititious letters, which were written, in the vulgar language, when they were mentioned in the Privy Council, and Parliament of Scotland, during December 1567, had been *translated, into our language*, as if the originals had been written, in some other tongue.

extremely suspicious, from what he knew of their history.

Understanding that this inquiry, which the English Queen intended to have, at York, was to be attended “with great ceremony, and solemnities,” Murray made suitable preparations, for the occasion: The Regent appointed himself, the Earl of Morton, and some other trusty friends, as the King’s commissioners, with Secretary Maitland, and George Buchanan, two of the ablest, and most unprincipled of mankind, with some others, of a similar sort, for assistants. The Queen was not wanting on her part. As her commissioners she appointed Lesley, the Bishop of Ross, Lord Herries, and some others of less note, for their skill, and energy: And, to give greater authority, and lustre, to their commission, they had also powers, and instructions, from the loyal convention of peers, and prelates, at Dunbarton, in September 1568.

Murray, as Regent, now took upon him, the *whole burden of foresight*. Owing to this circumstance, it was, that he gave to Morton a formal receipt, for the said box, and letters.^c

^c It ran in this manner: “At Edinburgh, the 16th of September 1568: ‘The which day, I James, Earl of Murray, confess to have received, from James, Earl of Morton,

This formality of receipt, for a box-full of forgeries, was thus given, by Murray, to Morton, in order to bolster up those despicable counterfeits, which were intended to prove the charge, which they intended to make against the Queen, for the murder of her husband, which had been committed by themselves. But, who proved, that such a box-full of letters had been ever discovered, by Morton? Morton, the falsifier, said, that he had found them on Dalglish, as he was, in the act of carrying them, from Sir James Balfour, the keeper of the castle. Was Dalglish, though they had him as a prisoner, ever examined, with regard to the box-full of letters? No. Was Balfour ever examined? No. Was any one ever examined, in Scotland, to ascertain the truth? No. The Queen,

a silver box overgilt with gold, with all privy letters, contracts, or obligations for marriage, sonnets, or love-ballads, and all other letters contained therein, sent, and passed, betwixt the Queen, and James, sometime Earl Bothwell, which box, with the whole writings therein, were taken, and found, with the late George Dalglish, the servant to the said Bothwell, upon the 20th of June 1567,"' &c. &c. [Goodall, ii. 90. From the Register of Murray's Privy Council.] It is unnecessary to observe, that when Morton entered Holyrood-house, on the Queen's flight, he obtained possession of her jewels, and property, with this silver box, overgilt with gold.

when she heard, that the conspirators pretended to have found a boxfull of her letters, denied, that she ever wrote such letters. The negation of the Queen is more persuasive, than the affirmation of Morton; as the denial of honesty is more probative, than the assertion of knavery.

The period of the letters was, from the 20th of January 1566-7 to the 10th of the subsequent February. In this period, Morton knew, that Bothwell had not any such documents, under the Queen's hand. In this period, the Queen was completely reconciled to her husband; and went to Glasgow, to bring him to Edinburgh. Some of those letters, were dated, from Glasgow, before the 25th of January in that year: But, the Queen was, then, at Edinburgh. Some of those letters, were plainly dated, from Stirling, with regard to the Queen's interception, by Bothwell: But, the act of Bothwell's forfeiture, ascertains facts, which are inconsistent with the truth of such letters. Now; what is there opposed to those invincible positions? The answer must be, the assertion of a falsifier, and the confirmation of a liar.

With whom did Bothwell act, from the epoch of the conspiracy against the King and

Queen? With Murray, and his faction. Did not Bothwell, and Maitland, meet Morton, at Whittingham, to concert the murder of Darnley? Yes: Were not Morton, and Maitland, the agents of Murray? Yes. Bothwell, then, contributed his aid to the murder of Darnley, in concert with Maitland, Morton, and Murray; and not with the Queen. How, was Bothwell employed, in the period of those supposititious letters [from 20th of January to 10th of February]? The answer must be, In providing men, and means, to murder Darnley. How was the Queen employed in the same period? In taking care of her husband, with the aid of her physician.

Did not Morton, and Maitland, as Murray's agents, obtain the acquittal of Bothwell, when he was tried for the murder of Darnley? Yes. Did not Morton, and Maitland, procure a declaration from certain peers, and prelates, of the innocence of Bothwell, and of his fitness, for the husband of the Queen? Yes. Did not that declaration embolden Bothwell, to arrest the Queen on the highway; to carry her, by force, to the castle of Dunbar; to enforce the Queen therein, to consent to marry him? Yes. Were not these the three treasonous facts, for which Murray's Parliament of December 1567 forfeited Bothwell? Yes. These facts being

true, we may perceive, that her marriage was enforced, and not voluntary.

Was it not fiction, and falsehood, with which Murray charged the Queen, in his Privy Council of the 4th of December 1567, and in his Parliament of the 15th, as justifications, for the Queen's dethronement? Yes. Did she write such letters to Bothwell? No. Was she privy to the murder of her husband? No. Was she not enforced to marry Bothwell, by the artifices, and coercions, which Bothwell used, by the means of Morton, and Maitland, as agents of Murray? Yes. Were not Morton, and Maitland, both convicted, by Parliament, and punished, for the murder of Darnley? Yes. Did not they act for Murray, in that conspiracy? And did not Murray obtain, the great object of all his aims, the government of Scotland, by the Queen's dethronement, under the force of Morton, and Maitland? Yes. He obtained the government, from those, who deposed the imprisoned Queen; and not from the Queen herself, who never assented to the papers, which, by fraud, and force, she was compelled to sign. And, Murray was of course appointed Regent, not by legitimate choice, but by guilty violence.

Did not Murray receive that box-full of forgeries, from Morton, knowing them to be

obvious fabrications? The formality of the receipt, which he gave to that audacious miscreant, for that box-full of forgeries, is a full proof of Murray's knowledge of their spuriousness, and of his baseness, in adopting spurious, for real documents. He carried those forgeries into England, with the fell design, of charging the Queen, his sister, and benefactress, with the murder of her husband, which he, and his agents, had committed, with Bothwell, for their instrument; whom they contrived, to make the victim of Murray's villainy.

Murray, having in his communications with Elizabeth, felt his dangerous way; owing to the difficulty of his design, of proving the guilt of innocence, and of converting forgery into genuineness; he set out, from Edinburgh, to York, on the 21st of September 1568. The Regent was attended, on this disgraceful occasion, by his associates, and assessors: But, he was himself responsible, for the wickedness of the design, and the baseness of the execution. As it was the object of Elizabeth, and Cecil, to amuse France, and Spain, and to delude the Scottish Queen; the commissioners, Norfolk, Sussex, and Sadler, took appropriate oaths, that they would act sincerely and uprightly, without any sinister affection, and

should afore God, bear witness, to be honest, godly, just, and true.^f

Such, then, were the oaths, by which all parties, were bound to act fairly, and impartially. But, oaths, in that age, were not deemed of any efficacy. After some preliminary proceedings, the English commissioners, at the request of Murray, who was still afraid of his proofs, and continued, to act as a miscreant, admitted his assistants, Maitland, MacGill, Buchanan, and Balnavys, four of the ablest, and wickedest men, in Scotland, to a secret conference, wherein they showed the English commissioners, and expounded, for their better instruction, all such proofs, and circumstances, as to induce a vehement presumption of the Scottish Queen's guilt, and even to adjudge her guilty of her husband's murder. But, did the English commissioners, by acting thus *secretly*, and *partially*, act according to their oaths? No. They sent an abstract of the whole of what they had learned, at this *clandestine conference*, *secretly*, to Elizabeth, and supplied themselves with abstracts.^g They thus seem to have decided the

^f See the above-mentioned oath, in Goodall, ii. 12; and also the oaths of the King's and Queen's commissioners, to act honestly. *Ib.* 122-3.

^g See their letter to Elizabeth, of the 9th of October

great object of the inquiry against the Scottish Queen ; but contrary to what had been Elizabeth's avowed intentions,^h though perhaps agreeable to her private wishes. They did this, however, by incurring the charge of perjury : Murray seems to have obtained, at the outset of this inquiry, by his knavery, the great object, of showing his own innocence, and Mary's guilt. Those clandestine proceedings were probably made, by the secret instructions of Cecil, to obtain a full view of Murray's proofs, and, at the same time, to collect matter of charge, and defamation, against the Scottish Queen. Both those objects of Cecil seem to have been very fully obtained ; while Elizabeth's passion, for slander of her hated cousin, was abundantly gratified.ⁱ

1568, in Goodall, ii. 139-40 ; and in Anderson's *Col.* i. 58.

^h *Cabala*, 139.

ⁱ Sadler left behind him a Collection of State Papers, which had passed, through his hands ; and which were published, in 1809 : In Vol. ii. 337, there are given " the special words, in the Queen of Scots' letter, *written with her own hand*, to Bothwell ; declaring the inordinate, and filthy love, betwixt her, and him." We thus understand, from Sadler, that the above are the *very words* of the original letter of the Scottish Queen, *written, with her own hand* ; and those *very words* were written, in the *vulgar language* of a *vulgar people*. Let us now collate Sadler's extracts with the *genuine forgery*, in Goodall, ii. 1-2.

It was here important, to lay before the reader, a specimen of those secret communica-

SADLER'S FABRICATED FORGERY.—[Letter i. from Glasgow.]

“ First, That she being departed from the place where she lefte her harte, it was easie to be judged what was her countenance, seeing she was no more then a body without a harte: [That if she had not had a profe of her husband's herte of wax, and knowing her owne to be of a diamond (whereunto no shotte coulde make breche but that which cam out of Bothwell's hande), she wold have almost pitie of him, bidding Bothwell not to feare, for that the place shoulde holde unto the deth; in recompense whereof, she prayeth him, that he will not let his herte be woonne from her by *that false race*,* that will travail no lesse with him for the same.”]

* In the margin, “ By this is meant, Bothwell's wif.”

GOODALL'S REAL FORGERY.—[Letter i. From Glasgow.]

“ Being departit from the place, quhair I left my hart, it is esie to be judgeit quhat was my countenance, seeing that I was even als meckle as ane body without ane hart; quhilk was the occasion, that quhile dennertyme, I held purpose to nabody; nor yit durst any present themselvis unto me, judging yat it was not gude so to do.”

[There is nothing of Sadler's second paragraph “ That if she had not—” to the end; in the real forgery.]

N.B. The three distinct series of passages, which are published, in Sadler's papers, ii. p. 237-8-9; were all taken by him, from the letter No. i. in Goodall, and not from several letters; and by collation, it appears, to have been greatly interpolated, not indeed, by Sadler, but by the forgers themselves, before they laid this letter No. i. before the English commissioners.

tions ; in order to obtain an accurate view of the villainy of one party, and the injustice, which was, thereby, done to the other. If Sadler's extracts be what he, expressly, says they were, the *very words*, that were copied, by him, from the letter, that was privately laid before the English commissioners ; then, would this fact prove, that Murray, and his assessors, had in their box, the same forged letters, in *various editions*, all written, by the Queen's own hand, in *different languages*, to suit every emergency : In this state of the subject, Sadler's extracts, *in the very words*, are important ; as a new proof of the general forgery, and as a *fresh evidence*, that Murray, and his associates, had some *forgery*, or some *falsehood*, always at hand, for disgracing the Scottish Queen, by calumny, and supporting their own designs, by the basest means. Murray's associates, during their clandestine conference, constantly, affirmed, that those letters, and other documents, were written, by the Queen's own hand ; and they offered to swear, and take their oaths thereupon :^k And yet were they not authenticated, by any proof. Whatever Murray's assessors might say, and offered to swear, the letter

^k See the Commissioners' letter to Elizabeth, in Goodall ii. 139-42.

produced, and sonnets, were undoubtedly forgeries.¹ The commissioners seem to have believed every thing, which was said to them, by the men, who had an interest, in falsehood, and wrote

¹ The letter exhibited was No. i. in Goodall's series, which is here called "a horrible and long letter, of her own hand, "as they say." It was dated, from Glasgow, on the 24th of January 1566-7: Now; the publick records of Scotland evince, that the Queen still remained, at Edinburgh, on that day: And the Queen was then reconciled to her husband; while Bothwell, to whom they were said to be addressed, was acting with those very men, as one of the King's murderers. In Mary's instructions to her commissioners, dated at Bolton, the 29th September 1568, she says: "In case they allege to have any writing of mine, whence they may infer presumption against me; you shall desire the originals of such writings may be delivered, for my inspection: For, you shall affirm, in my name, I never wrote any thing, concerning such a matter to any one: And if any such writings be, they are false, and feigned, forged, and invented, by themselves, only to my slander: And there are divers in Scotland, both men, and women, that can counterfeit my hand-writing, and write in like manner of writing, which I use, as well as myself; and principally, such as are in company with themselves." [Secretary Maitland.] [Goodall's *App.* No. 136.] But, as the supposititious letters of the Queen were not openly avowed as proofs, at York, though shown, privately, the above instruction was not produced, by her commissioners: Hence, the injury to the Scottish Queen, the villainy of Murray, and the baseness of Elizabeth's commissioners.

every thing to Elizabeth, whether it were true, or false: Nor did they perceive, that they were acting contrary to their duty; as their conduct was in opposition to their oaths.

But, the present subservience of the Duke of Norfolk did not protect him, from subsequent prosecution, for his conduct, on that occasion. Serjeant Barham, when arguing Elizabeth's charge against the unfortunate Norfolk, insisted, that he had perjured himself; for he had taken a corporal oath, to deal indifferently, on that inquiry.^m It required not, indeed, the decisive authority of the learned serjeant, to prove, that commissioners, taking such an oath, for the faithful performance of their trust; yet, acting knavishly, were perjured: But, what shall we say of Elizabeth, who tempted, and impeached, like the *foul fiend*? What shall we think of Murray, who was summoned to answer his Queen's charges, yet, often applied to his judges, for their opinions, if he had not proved her guilty of the crime, which he had himself committed? The whole inquiry, at York, was a gross scene of abomination, for its partiality, and injustice;ⁿ and ought to have

^m See Barham's speech, in Sadler's *State Papers*, ii. 341-2.

ⁿ It is an aggravation of that injustice, that some of the commissioners, perhaps, the whole, saw through the cloud

been a warning voice to the Scottish Queen, to close an inquiry, from which she could not expect any good, but receive infinite injury.

From the representations of the Bishop of Ross, and Lord Boyd, who went to her, from York, to Bolton, she knew, "that Murray and "his party, had *privily* uttered to Elizabeth's commissioners, all that they were able to allege against her." She knew much more of the injurious, and disgraceful proceedings of the York inquiry.^o Here, the Scottish Queen, if she had been well advised; had she been less credulous, and less buoyed up, by delusive hope, ought to have made her stand against any further inquiry; unless Elizabeth would, fairly, communicate to her, every thing, and every document, which Murray, and his associates, had, *secretly*, communicated to the perjured, Norfolk, Sussex, and Sadler, contrary to their duty, and character, in opposition to the genuine principles of a liberal inquiry. The Scottish Queen did not seem to see, that the real object of Elizabeth, and Cecil, obviously was, by advocating the proceedings, from York

of forgery, which was raised, by artifice, before their eyes, that truth, and innocence, were with the Scottish Queen. See Sussex's letter to Cecil, 22nd October 1568, in Lodge, ii. 1-2.

^o Knollys's letter to the Duke of Norfolk, 15th October 1568 Goodall, ii. 158-60.

to London; to convert the inquiry into a criminal trial of Mary, for the murder of her husband, with Murray, for the prosecutor, and Cecil, for his assessor. Yet, did the unfortunate Queen, who was conscious of her own innocence, and deluded, by Elizabeth's dissimulation, rather rejoice, than object to that insidious measure. If, according to some of the Scottish historians, the unskilfulness of Mary's conduct, during this inquiry, be a proof of her guilt, she was, plainly, guilty. The only mitigation of this censure, seems to be, that she had to struggle against the baseness of Murray, and the forgeries of his partisan, the dissimulation of Elizabeth, and the artifices of Cecil, which converted every event, and every measure, to Mary's wrong, and calumnation. She had no other resource; but to close an inquiry, which, from the villainy, that conducted it, must necessarily end in her disgrace: Her commissioners, seeing what had occurred, at York, ought to have declined to act, at Westminster, or indeed, at any place, where Elizabeth's dissimulation, and Cecil's knavery, bore sway.

Elizabeth, in pursuance of her plan, in carrying the inquiry, from York to Westminster, appointed new commissioners, with similar oaths; in order, that France, and Spain, might have new proofs, how *honourably* Elizabeth

acted, and how *fairly* the Scottish Queen was treated. Cecil was one of the new commissioners of inquiry, who took the oath of impartiality, of fairness, of honesty: And, Cecil prescribed the modes of proceeding, during this renewed inquiry; which consisted, in receiving papers, and documents, and proofs, not in the presence of the adverse party, but, in the absence of that party. Nothing has been more reprobated, by the constitution of this country, than *ex parte* proceedings, or proceedings in the *absence* of the person, having an interest: For, such *partial* proceedings are in themselves unjust, and lead to every practice of wrong, and every deduction of injury. The very mode of inquiry inferred injustice, and iniquity. And, Cecil, by laying down that *partial* mode of proceeding, acted contrary to the oath of fairness, and impartiality, which he had just sworn: The *clandestine* proceedings, at York, were not more partial, and unjust, more insidious, and abominable, than the conduct of Cecil: If Norfolk was guilty of perjury, Cecil was much more guilty; as Norfolk acted under injunction; but Cecil was the director, with design, in his head, and malice, in his heart.

At length, on the 26th of October 1568, Murray, and his associates, openly, charged the Scottish Queen, before Elizabeth's commis-

sioners, with the murder of her husband. Cecil, and his coadjutors, by receiving this charge, from the very murderers themselves, against the innocent Queen, in her absence, and in the absence of her commissioners, gave a practical example of the partiality, and wrong, of the injustice, and abomination, of Cecil's guilty mode of proceeding against the object of his hate, and persecution: Had the Queen, or her agents, been present, they must have objected to this charge, as unfit, and extrajudicial; because, the whole inquiry being *voluntary*, and the Scottish Queen having always protested against being tried, criminally, by Elizabeth: So Elizabeth could not empower her deputies to do what she had no power to do herself. By acting thus, without power, and of course having no jurisdiction to hear, and determine, a charge of murder against the Scottish Queen, they perjured themselves still more, than the York commissioners, by acting, without authority, and without candour. Thus it was, and must be, where servility, and dislike, wrong, and injustice, and such guilty passions were carried, beyond all bounds; and were thus allowed

“ ————— to partialize

The unstooping firmness of their upright souls.”

Elizabeth, who had, meanwhile, one eye on

France, and Spain, and the other on Mary, directed her Lord Keeper of the Great Seal, to reprove Murray, and his associates, for making that horrible charge;^p whereby, said the Lord Keeper to Murray,—“if you should prove it true, she should be infamous, to all princes in the world.”^q Murray might have told the keeper of Elizabeth’s conscience, that he had been urged, by Cecil, the keeper of the same Queen’s secrets, to make this charge. Such were the effects of Elizabeth’s duplicity, which admitted of no bounds. She wished to look *fair* in the eyes of France, and Spain, while she left to posterity a character of dissimulation most *foul*: Of her duplicity, and hard-heartedness, of her jealous temper, and murderous

^p Goodall, ii. 231-3.

^q Goodall, ii. 228-9: The reprimand of Murray was given, on the 6th of December 1568. As early as the 20th of October preceding, Knollys, the warden of Mary, had written to Cecil: “All things considered, I see not how her majesty can, with honour, and safety, detain this Queen, unless she shall be utterly disgraced to the world; and the contrary party be thoroughly maintained.” *Ib.* 161. Mildmay, and Leicester, concurred in this advice. And Cecil acted upon it. Hence, the *clandestine proceedings*, at York, against Mary: And, hence this charge against her, at Westminster, which was plainly solicited by Cecil, to “make her infamous to all the princes in the world.”

spirit, the state-papers of her reign are the proper vouchers. On the same spirit of disgracing the Scottish Queen, Murray, and his faction, constantly acted, for obtaining the dethronement of their Queen, and giving her sceptre to the conspirator, who had always his head, and heart, and hand, upon it.

From the 15th of June 1568, when Murray received a command, from Elizabeth, to come into England, to explain, and defend, his own proceedings, he employed his agents, Maitland, and Buchanan, to collect forgeries, for defending himself, and charging her : By their diligence, he was enabled, to bring to York, not only a boxful of forgeries, but a cart-load of vitiated documents, and records. He opened his magazine of fraud, at York, though under some concealments of his ultimate object, while he was yet uncertain of Elizabeth's real designs. When he had transferred his fraudulent magazine to Westminster, he soon learned, from Cecil, that Elizabeth's design concurred with his own ; and Murray was thus induced to prefer his charge against the Scottish Queen, as the murderess of her husband.* Yet, when

* Here is this famous charge : " It is certain ; and we have always affirmed, that as James Earl of Bothwell, was the chief executor of the unworthy murder perpetrated on the

the detail of this charge is considered, it will appear, that never was there such a charge, so illogically drawn ; so false, in its statements ; so delusive, in its concealments of the truth.

Whatever those guilty men might say, or might swear, the State Papers of England, and the Statute Book of Scotland, demonstrate, that the Queen's husband was murdered, by a conspiracy of nobles, whereof Bothwell was the instrument, and Murray, the chief: Bothwell acted with Murray, and not with the Queen: And Murray was the persuader of Bothwell to act, with Morton, and Maitland, as his agents: So, it does not follow, that she was of the foreknowledge of the crime, much less a persuader to the execution of the same crime: For it is an incontrovertible fact, that she was reconciled to her husband, during several weeks, before the crime was perpetrated, by Bothwell,

person of the late King, Henry, the Queen's husband: So, was she of the foreknowledge, and persuader of the said murder to be done ; and the maintainer of the doers thereof, by impeding the inquisition, and punishment, due for the same, according to law ; and consequently, by her marriage with the said James, Earl of Bothwell, after he was charged as the chief doer of the murder." [Goodall, ii. 206-7.] It was signed by Murray, and by his associates, the Earl of Morton, Lord Lindsay, the Bishop of Orkney, the Commendator of Dumfermling.

Morton, and Maitland : But, they, moreover, charge the Queen with impeding the inquisition of the crime, and preventing the punishment of the chief criminal, Bothwell. Yet, they forgot, that Bothwell was actually tried, by the Queen's order, on the 12th of April 1567, before Argyle, the Justice-general, with a court, consisting of Murray's partisans ; that Morton, supported him on one hand, and Maitland, on the other ; so as to procure his acquittal ; while Lennox was afraid, or ashamed, to appear as his prosecutor : But, Morton, and Maitland, as the agents of Murray, went some steps further, in favour of Bothwell : They obtained, from several peers, and prelates, a declaration of Bothwell's innocence, and of his fitness, as a husband, for the Queen : Their charge, then, is not true, that the prosecution of Bothwell was impeded, by the Queen. And there is another fact, which evinces, that Bothwell, before his marriage with the Queen, was protected, by Murray's faction : When the Queen surrendered herself at Carberry-hill to that faction, with Morton, at its head, they purposely allowed Bothwell to depart, from the field, when he was within their power. And she is charged with obstructing justice, by marrying Bothwell, though he had been denounced, as the King's murderer. Morton, and Maitland, as Murray's agents, by

obtaining the acquittal of Bothwell, and the declaration of so many peers, and prelates, of his innocence, and fitness, for the Queen's husband, encouraged that audacious noble, to march out, at the head of a thousand horse, to arrest the Queen on the road to Edinburgh; to carry her, forcibly, to his castle of Dunbar, and therein to coerce her, till she agreed to marry him.* The facts being thus stated, by Murray's Parliament, in which Morton presided, as Chancellor, what guilt did she incur, or what could she know of the guilt of Bothwell, as the murderer of her husband, or what obstruction could she give to the pursuits of justice against a noble, who was protected, by Murray's faction? Such, then, is the answer, which may be submitted, to Murray's charge against Mary; a charge, which can now be considered, as a mere tissue of misrepresentation, and falsehood, of sophistry, and impertinence.

Elizabeth's Commissioners thus acting, as we have seen, without jurisdiction, now hurried on, without regard to justice, or consideration of

* The act of Murray's Parliament in December 1567, forfeited Bothwell, not only for his murder of the King, but for treasonously seizing the Queen, on the highway, forcibly carrying her to Dunbar-castle; and forcibly obliging her to consent to marry him. *Acta Parl.* iii 5-8.

fitness : Before the Scottish Queen had declared, whether she admitted, or denied, the charge of Murray, the Commissioners went on to hear his proofs :^{*} But, what fairness, what equity, what truth, could be obtained, by receiving proofs, in the absence of the party, who was to be affected by them ? In thus proceeding, what attention was there to the oaths, which the Commissioners had taken, that they would act fairly, and honestly, and godly ? The answer must be, that they brought themselves within the law, as laid

^{*} On the 9th of December 1567, the Earl of Morton was admitted to swear to a declaration, setting forth the manner how he came to obtain the boxfull of letters, sonnets, and other papers. [Goodall, ii. 230.] This declaration seems not to be preserved. But, there appears no cause shown, why the person carrying this box, Dalgleish, was not examined, about it. Neither was it shown, why Sir James Balfour, who was said to have had the custody of this box, was not examined, to account how he came into the possession of such a box. Murray, and his associates, now gave, in evidence, *French* copies of those supposititious letters, which those guilty men swore were the true original letters of the Scottish Queen. The box was now emptied of its contents, which were sworn, by those men, who were known falsifiers, to be all perfectly genuine. [Goodall, ii. 235-6.] The receiving of such documents, illegitimate as they were, as evidence, in the absence of the Scottish Queen, and her Commissioners, is another exemplification of the partiality, and injustice, of that unjust, sophistical, and abominable, inquiry.

down by Serjeant Barham, that whoever takes an oath, to act *fairly*, yet acts *foully*, is guilty of perjury. The knavish conduct of Cecil brought him within the reprobation of that law : When Elizabeth made her Lord Keeper reprehend Murray, for bringing such a charge against his sovereign ; yet, allowed Secretary Cecil, to carry it into effect, by illegal practices, and illegitimate proofs, she only evinced, by her contradictory conduct, that her dissimulation, and envy, had absorbed every principle of rectitude, in her heart, as a woman, and annihilated every maxim of justice, in her head, as a Queen.

Murray, still suspecting, that his documents^a did not convict the Scottish Queen of her husband's murder, though they effected Elizabeth's design of calumniating, and disgracing, the object of her malignity, had recourse to deliberate falsehood : He asserted, " That the estates of Scotland, finding her unworthy to reign, decreed her demission of the crown." The Queen was imprisoned, and dethroned, in June 1567, by Murray's agent, Morton, with six other

^a Whoever may wish, for critical and minute proofs of Murray's documents being palpable forgeries, must consult Goodall's *Examination*, 1754 ; Tytler's *Inquiry*, 1760-90 ; Whitaker's *Vindication*, 1789-90.

nobles, calling themselves *the nobles*. Murray's Parliament did not assemble till the subsequent December, who indemnified those nobles, for the basest acts of treachery, and violence, and legalized her demission of the crown, which, by her imprisonment, was invalid, and by the artifices, the tumult, and the terror of the means, employed, was a nullity, in the very act.

When Murray had done all that forgery, and falsehood, could effect, he failed, in throwing the guilt of Darnley's murder, from himself, and his agents, on the innocent Queen: The consciousness of the guilt, continued in their own minds, and in the conviction of their countrymen, till that consciousness, and this conviction, in the progress, and disclosures of time, ended in the declared guilt, and publick punishment, of his chief associates. Elizabeth had meantime denuded herself of jurisdiction, by departing, from her original purpose; and without authority, assuming the power, to hear a charge of murder against the Scottish Queen, by illegitimate means, she involved herself, in the guilt of illegality, and the disgrace of defamation. The injured Mary now desired to be admitted, personally, to this inquiry, to defend her own innocence, and to explain her own motives: But, Elizabeth, publickly, avowed, "that from the beginning the only reason, why

she was debarred from my presence, was, merely, through the rumour, and slander, that she had been participant, in the murder of her husband.*” The same rumour, and slander, applied to the admittance of Murray, and Morton ; and something more than rumour, that they had been guilty of murder, and assassination, of forgery, and falsification : Yet, did Elizabeth take them to her bosom ; as they were the instruments of her guilty passion ; while Elizabeth rejected the Scottish Queen, who as a woman was full as innocent, and accomplished as she ; as a princess was as well born, and bred, as she ; and as a Queen had more dignity, and true spirit, than she : Whereupon, the Commissioners of the Scottish Queen declared, “that they would no ways proceed any further ; and protested, that whatever were done, hereafter, should not prejudice their sovereign, in any sort :” But, they came too late with their protestation, after their sovereign had been slandered, and disgraced, by every mode of falsehood, and practice of perjury. The Scottish historians upon this proceeding have remarked, that Mary seemed to shrink from the charge, as if conscious of guilt ;

* Goodall, ii. 221, at Hampton Court, on the 4th of December 1567,

† Goodall, ii. 223.

and to recriminate from revenge, more than from ability, to prove the guilt of her adversaries :^{*} But, such historians found it more easy to scribble, than to inquire : Their green eyes did not allow them to perceive, that Elizabeth's design, plainly was, to obtain materials of defamation ; and their idle ignorance did not enable them to ascertain, that the State Papers of England, and the Statute Book of Scotland, contained demonstrations of Murray, and his partisans, being the guilty characters, who murdered the Scottish King, and merely endeavoured, by the basest means, to cast the guilt, and the disgrace, from themselves upon her ; while Elizabeth, and Cecil, knowing the truth, involved themselves in the criminality, and ignominy, of those atrocious men, whom they used, as the instruments, of their oppressive wrongs. Those historians, only, exhibited their own ignorance, which, invariably, infers some blame.

Yet, Elizabeth continued her deceptive artifices : And, Mary was induced, to depart from her purpose of discontinuing the inquiry. Her Commissioners, by her direction, returned to

^{*} Mary knew, before she was driven from Scotland, that Morton, and Maitland were both guilty of that crime. *Ib.* 71.

Hampton Court, on the 24th of December ; and avowed their purpose, to charge Murray, and his guilty associates, with the crime that was imputed, by them, to their mistress ; to defend her innocence ; and to repel the calumnies, which had been cast upon her : For these ends, they desired, to have the writings, which had been given in evidence against her, or copies thereof, to enable them to perform their serious purpose. Elizabeth now thought, or pretended to think, this request very reasonable, and rejoiced, with envious regret, that her good sister would, in that manner, defend her honour ; yet, her apprehensions of detection did not allow her to grant so reasonable a prayer, as the communication of the papers, which had been unjustly admitted in proof against their mistress. The Bishop of Ross, and Lord Herries, now exhibited strong representations against Murray, and his criminal associates.^a But, an attempt was, in consequence, made, by Elizabeth, and her Commissioners, to browbeat the Bishop of Ross, and Lord Herries, though in vain :^b They

^a Goodall, ii. 283-93.

^b *Ib.* 307-8-9 : They were asked, if they, personally would charge Murray, and his associates, with the murder of the Scottish King ? They answered, No : But, as the Scottish Queen's Commissioners, they would persevere in their charge.

adhered to their instructed purpose. They again prayed for copies of their adversaries documents ; a request, which Elizabeth continued to think very reasonable ; yet, was afraid, or ashamed, to grant.* Elizabeth now, with her usual subterfuges, wished rather to end this inquiry, which had given her materials of slander, by *a compromise*, which would protect her criminal instruments. The Scottish Queen, however, would not accept of any compromise ; declaring that she would resign her diadem only with her last breath.^d And Elizabeth, seeing that her dissimulation was used in vain, put an end to this disgraceful proceeding. On the 12th of January 1568-9, Murray, with his associates, came to Elizabeth's presence, and were allowed to depart into Scotland : The Queen giving him, under the name of loan, 5000*l.* as a reward, for his many materials of

* *Ib.* 285-93-98.

^d *Ib.* 300-3. On the 25th of December 1568, the Scottish Queen's Commissioners declared, that she would answer Murray's charge, if Elizabeth would direct only copies of the proofs against their mistress. *Ib.* 281. The Queen's Commissioners continued, without success, to press this request, till the 31st of January 1568-9. *Ib.* 333. Meanwhile, Elizabeth's ministers intercepted the proofs, which she was collecting against Murray : See Huntley, and Argyle's Protestation against Murray, and his shuffling answer. *Ib.* 317-21.

scandal against the sister, whose bounty had given him the Earldom of Murray, with a thousand benefits.* Thus ended this ignominious inquiry ! At the end of January 1568-9, the Scottish Queen was ordered to be carried, from Bolton, to Tutburie, as a prisoner, who was, in Elizabeth's estimation, entitled to little favour : At the same time, Elizabeth never doubted her right, however doubtful in itself, of imprisoning the Scottish Queen, after she had wronged her, by every artifice of her nature.

Murray now hastened, from Kingston, to inform his partisans, in Scotland, of his final success. "Yesternight," said he, "we had the Queen's majesty's answer, by her Council ; allowing our doings, with a promise to maintain the King's authority, and our regiment [regency]."† Such were the sentiments, no doubt, of Cecil, though perhaps not of Elizabeth : But, such was the policy, which the Scottish Queen might, from her reception, in England, have expected from both, if she had not been influenced much more, by credulity, than by experience.

In this manner, then, was brought to a con-

* Rym. *Fœd.* xv. 677.

† Goodall, ii. 306. Murray's letter to Craigmillar, 11th of Jan. 1568-9.

clusion this famous inquiry, which, whatever might be its speciousness, was plainly intended, by every mode of artifice, to disgrace the Scottish Queen, in the eager eyes of the civilised world.^a How much perjury was committed, at York, to calumniate the Scottish Queen, needs not be repeated. Similar scenes were acted, at Westminster, and Hampton-court, where, without jurisdiction, without the shadow of justice, or impartiality, the same Queen was charged, and convicted, without a hearing, of her husband's murder.^b And, last, though not least, Elizabeth, and Cecil, while they avowed to France, and Spain, the fairest intentions, acted the foulest practices, by soliciting Murray, and Morton, and their coadjutors, to swear to the genuineness of letters, and other papers, which they all knew to be feigned, and forged ; while of this abominable solicitation, we may say, of Elizabeth, in Shakespeare's language :

“ ————— You set the crown
Upon the head of this forgetful man ;
And, for his sake, bear the detested blot,
Of murderous subornation —————.”

^a See Cecil's correspondence in the *Cabala*, which is the voucher of his criminal duplicity.

^b Goodall, ii., is the genuine record of the guilty proceedings of Elizabeth's Commissioners, and of Murray, and his associates', perjuries.

Murray, and his guilty associates, now hastened, homeward, with the alacrity of persons, who had been tried for their lives, and were acquitted. He arrived, at Berwick, on the 30th of January 1568-9 : And, as he owed every thing to Cecil's protection, he immediately wrote him, that on his way, he had inquired into the present disposition of *the King's mother*; and found her, in her conceit, nothing dejected, nor destitute of friends; adding that, "there never was greater occasion, to be careful of her security: And, if the Lords Boyd, and Herries, and the Bishop of Ross, could be stayed, for a season, it would do great good."¹ Such were Murray's malignity, and fears, even amidst his triumphant arrival, on the Tweed, and his ambitious hopes of a quiet reign.

He arrived, at Edinburgh, on the 2d of February 1568-9; having remained, in England, since the 21st of September 1568. He found Scotland far from tranquil, whatever he could write, or Elizabeth proclaim. Rumour had preceded him, that he had sacrificed the independence of his country to his own ambition: And, it was reported, that he had solicited the continuance of the Queen's imprisonment, and had agreed, to surrender the King to Elizabeth's

¹ *Ib.* ii. 332.

tuition, which was only another name, for the subjection of an ancient kingdom to an *auld enemy*. Hearing of such disquieting reports, Elizabeth issued a proclamation : assuring her good neighbours of Scotland, with her happiest dissimulation, “ that in the cause, betwixt the *said Queen and her son*, [Murray,] there hath *lacked no good meaning*, nor yet doth, to have the same well ended, with quietness to the whole nation of Scotland, and without any prejudice, to the crown of Scotland, or the dignity thereof.”^k If this were true, why imprison the Scottish Queen, without right, and without pretence, other than the personal hate of a guilty heart ? But, thus it is to be in the habit of artifice, and in the practice of knavery ! The wretched people of this degraded nation were now preparing, for civil war. Murray, however, a few days after his arrival, repaired to Stirling, where he laid his guilty proceedings, in England, before a convention of *his nobles*, who ratified all, with their usual servility.

The Duke of Chattelherault, who had been long expatriated for his attachment to Murray, returned to Scotland, on the 22d of February 1569 ; bringing with him a commission, from

^k This insidious proclamation may be seen in Goodall, ii. 328.

the Queen, as Lord Deputy, which he caused to be published, with a command to the Scottish people, That they would obey no other authority, than his legitimate power. But, Murray was not a statesman, that would be terrified, by such appearances of opposition. Having the sword of Viceroy in his hand, which he knew how to wield, and the habits of villany, that he was in the practice of using ; he commanded the King's people to meet him, in arms, on the 10th of March, at Glasgow. These preparations, for warfare, were, however, put an end to, by a sort of treaty, which stipulated, for a meeting of certain nobles, at Edinburgh, on the 10th of April 1569.¹ This meeting concluded, as might have been foreseen, from the character of Murray, by sending the Duke, and Lord Herries, as prisoners, to Edinburgh-castle.^m Argyle, and Huntley, who had, also, taken arms, for the Queen, were soon induced to submit, with some loss of influence, which could not be easily maintained, while there existed, on the one side, interestedness, and distraction ; on the other, vigour, and subtilty. Before the end of April 1569, the Regent saw no one, in Scotland, to dispute his power, how-

¹ *Hist. of K. James*, vi. 58.

^m *Hist. of K. James*, 65 ; Spottiswoode, 218-9.

soever obtained, by force, or maintained, by fraudulence.

Meantime, the intrigue, which Maitland, and Murray had begun with the Duke of Norfolk, at York, for marrying the Scottish Queen, and which he renewed, at Hampton-court, was early suspected, by Cecil. Murray was required, by the English minister, to reveal what he knew of this obscure transaction: Fearing Elizabeth's hate, more than shame, Murray basely betrayed the Duke to his offended sovereign; delivered his letters into her hands; and endeavoured, by artifice, as well as threats, to induce Maitland, to act with equal baseness, and the same breach of trust, though without success. The simultaneous intrigue, which was opened, in Scotland, by Lord Boyd, in June 1569, for obtaining a dissolution of Mary's marriage with Bothwell, and other objects, could not be obtained, from the Regent's councils, while Elizabeth's duplicity was known, and Cecil's arts were felt. Norfolk was imprisoned, for his imprudent passion. The Earls of Northumberland, and Westmoreland, seem to have been little influenced, by his fate: And running out into rebellion, they were easily driven into Scotland, where, falling into the Regent's hands, they were not safe. Had the rebels of Scotland, during this reign, the Mur-

rays, the Mortons, and their guilty associates, been, equally, delivered to criminal justice, the Scottish Queen had not been at that period a captive, and the Scottish people had not felt, at the same time, the direful effects of civil discord.

Elizabeth, exulting at her success, began to consider the Scottish Queen, as the hidden cause of all her disquiet : And, without suspecting her own jealousy, or Cecil's management, to be any of the real causes of her uneasiness, she adopted the disgraceful purpose of surrendering the captive Queen to the Regent Murray, on such conditions, as had suited the malignant designs of both. The vigilance of the Bishop of Ross, having discovered this intrigue, opposed it ; which the ambassadors of France, and Spain, represented, as an action, infamous in itself, and dangerous to her own safety :^a These representations interposed some deliberation, which saved Elizabeth, as well as Murray, from an additional stigma, in delivering a relation, and a Queen, into the polluted hands of unprincipled ruffians.

The Regent Murray now found leisure, in May 1569, to punish some priests, by pillory, for saying mass, who had been condemned to

^a Robertson's *Hist.* i. 530 : Carte, iii. 491.

death; and proceeding from Stirling to St. Andrews, he burnt a sorceress, called Nicneven; and hanged Sir William Stewart, the lion-King, for divers points of witchcraft, and necromancie; but whose real crime consisted, in thinking the Queen more innocent of the death of Darnley, than Murray himself; and at the same time, the Regent hanged French Paris, for whatever crime, though not till the more guilty Murray, by means of Buchanan, and Wood, had forged, for him, two declarations; the one criminating Bothwell, and the other, denouncing the Queen.^o Of a similar sort of villany was the accusation, about that time, against Secretary Maitland, for the King's

^o *Hist. of. K. James VI.* 65-6. The original declaration of Paris against the Queen, which remains in the Paper Office, demonstrates, that declaration to have been drawn up, by Buchanan, and Wood, in Murray's castle, and to have been transcribed, by Murray's secretary. In October 1569, Murray transmitted to Cecil, that declaration, "if further *proof* should be required." [Goodall, ii. 88.] This shows what sort of documents Murray regarded, as *proof*: But Cecil seeing, from the declaration itself, that the world would consider Buchanan, and Wood, as the forgers of it, under Murray's eye, desired Murray to send him a *certified copy* of it. This certified copy was sent, in consequence of that desire. And we now see Cecil, and Murray, concurring, in this fraudulent act of manifest forgery, for the delusion of a confiding world.

murder, by Crawford, a servant of Lennox, though the charge was made, in concert with Murray, and Morton, who both knew his guilt; as they were themselves guilty: He was committed to Edinburgh-castle; and a day was avowedly appointed, for his formal trial:^p But, when the day of trial approached, saith Spottiswoode, so many were preparing to keep the day, that the Regent, disliking such convocations, and disdaining to have *justice outbragged*, prorogued the convention for four months.^q Murray, Morton, and Maitland, as we have clearly seen, were all equally guilty of the King's murder; and to have tried, in a publick court, the most able, the most artful, and the most eloquent man, in Scotland, would have disclosed such scenes of villany, and of treason, as would have confounded Murray, and Morton, and astonished a deluded people: The object seems only to have been, as Maitland no longer co-operated, with his guilty coadjutors, to imprison, and disgrace him.* He was after-

^p *Hist. of K. James VI.* 69-70.

^q *Hist.* 232-3.

* And even that object seems not to have been obtained: For, in the draught of a letter dated in July 1570, in Cecil's hand, from Elizabeth to Lennox, the Regent of Scotland, in the Paper Office, it is said: "And, Maitland, thereby, appeareth to have gotten such credit among the adverse

wards, attainted, by Parliament, for the murder of Darnley, as we have perceived, and died, of poison, from whatever hand.

Soon after those hypocritical, and guilty scenes, Murray dispatched the Commendator of Dumfermlin to the English court, with *instructions*, which show, with strong conviction, how coolly Murray could write falsehood, how deliberately he could regard forgeries, as proofs, how confidently he could trust, for his support, to the duplicity of Elizabeth, and the villany of Cecil.* But, the time was now at hand, when such shifts could no longer support a statesman, whose whole life was a tissue of subtilties, and subterfuges, of falsehoods, and forgeries, of rapaciousness, and corruption, of ambitious aims, and rebellious efforts: The Regent Murray was doomed to sustain a violent death, by an injured hand: As the Regent rode through the streets of Linlithgow, he was slain, by the vengeful shot of the injured Hamilton, on the 23d of January 1569-70.†

party, that he holdeth the bridle, in his hand, to stay, or hasten them forward."

* See those instructions in Goodall, ii. 84-8.

† *Cabala*, 160; Murdin, 769; Spottiswoode, 234; *Hist. of K. James VI.* 75. At the same time, were with the Regent, says Cecil, Sir Henry Gates, and the Marshal of Berwick,

The deluded partisans of this unprincipled statesman, declared, by a monumental inscription, that he was the very best man of this moral age, in the annals of Scotland. But,

“ ———— ’Tis please aboard, to call a villain good ;
 Who, wickedly is wise, or madly brave,
 Is but the more a fool, the more a knave.”

By his wife Agnes, Murray left two daughters, Margaret, and Mary: The first married Sir James Stewart of Down, who enjoyed with her the Earldom of Murray, under a defective title: Mary married Francis Earl of Errol. Murray's widow married Sir Colin Campbell, who became Earl of Argyle, in 1574, on the death of his elder brother, without issue; and carried with her many of the Queen's jewels, which the Regent Morton compelled her to restore.* The widow, and children of Murray, were left by him, in distressed circumstances, owing to the vast debts, which he had contracted both at home, and abroad, in pursuit of his objects: He had acquired, as we have seen, large estates; but, his guilty expenditure upon his numerous partisans, for supporting an over-

Drury, for demanding, in the Queen's name, the Earl of Northumberland, and others.

* *Acts Parl.* 96. But see the *App.* to this Memoir, No. IX.

powering faction, had exhausted his revenues. He was relieved, as we know, from the records,* by the King and Queen, not more than *ten days, before the death* of Darnley, while they were both condemned, however, the one to the bowstring, the other, to deprivation, and death. The widow, and children, applied to the Parliament of 1574, for publick relief: And, it was referred to the Chancellor, to consider their case; as it was not fit, said his partisans, that the widow, and children, of the late Regent should be wrecked.† Such, then, was the wretched end of the mighty ambition of Murray, which, like the ocean,

“ ——— Did swell, and rage, and foam,
To be exalted with the threat’ning clouds.”

In that disputatious age, there was not any statesman, whose character was drawn, with such opposite colours, as that of Murray, says Robertson: The best delineation of Murray may be found, in an abstract of his life. From his boyish days, Murray was surrounded, by partisans; as we know, from the records: And he spent almost the whole of his revenues,

* On the 31st of January 1566-7. *Privy Seal. Reg* xxvi. fol. 1.

† *Acta Parl.* iii. 56; But, see the *App.* to this Memoir, No. IX.

great as they were, in attaching to his person, and fortunes, the ablest men, whether as scholars, statesmen, or soldiers: He thus became *a patron of learning*, and a man of *liberality*, according to Robertson, while Murray was, merely, drawing to him, by gratuities, a number of adherents, who formed the ladder, on which, he early raised himself, to the head of a numerous, and determined party. As soon as 1552, when he was not yet one-and-twenty, he had become the chief of all those, *who were given to change*, during an age of innovation. As he thus appeared to intelligent eyes, at the head of many men, he became himself the object of purchase, that he might influence others: So that his revenues increased, as his partisans became more numerous: And, he thus trafficked with the Regent-queen: he promoted her views, in Scotland, while she obtained for him his objects, in France, a bishoprick, and an abbey, till he became too large, for her handling: This is what Robertson calls a *disinterested* passion, for the liberty of his country, in opposing her pernicious system. During the four years, ending with 1560, he was the chief of those, who by artifices, and arms, overturned the Scottish government, on the pretence of reforming the religious establishment, with a constant eye on the sceptre, as the emblem of

power. The Queen heard of the aims of her bastard brother, by all those means, at her crown : Yet, she did not carry her measures of prevention, beyond an epistle of reproof. Elizabeth received the same notice of the bastard's aims ; but, she heard this information, with less emotion, than encouragement. What was thought very likely, by the acutest men of that age, was deemed, by Robertson, in this, to be very improbable, while the bastard enjoyed *the thing*, in fact, though not the name. It was to continue this possession, that he advised the English government, to intercept the Queen's return into her own kingdom.

Another trait of character, which influenced this personage, through life, began early to discover itself, and continued to influence him; throughout his career. He adopted it, as a practical maxim, to regard the end more than the means. When he was scarcely nineteen, he entered into a contract of spousals, with the Countess of Buchan, whom he tricked out of her estates, and her marriage.* He began early, with Knox's concurrence, to make political advantages of forged letters, rather than true ; as we know from the State Papers.* He acted, in concurrence, with Secretary Cecil, in

* See the *App.* No. 5.

* Sadler.

imposing upon three kingdoms the falsified treaty of Edinburgh, instead of the genuine document : Upon this principle, also, he adopted the monstrous imposture, of attributing to the Queen, his sister, and sovereign, forged letters, forged sonnets, forged contracts of marriage, which Morton, and Maitland, had begun, for criminating, for defaming, and dethroning her ; in order to justify their own misdeeds : He went one step further ; he not only adopted those forgeries, but he solemnly swore, that they were genuine documents ; an aggravation this, which was peculiar to Murray, and his guilty associates : So openly did he practice fraudulence, that we have taken him, in the very act, of forging *Paris's Declarations* : He, indeed, made use of Buchanan, and Wood, as his agents, on that occasion ; but, he sent those fabrications to Secretary Cecil, as *proof* against his sovereign ; and Cecil concurred with Murray, in imposing this gross fraud upon the confiding world.

When the Queen returned to her kingdom, and had resumed her government, she appointed this personage her *minion*, with so much power, as to leave her little but the name of Queen. The whole officers of state were, merely, his adherents, and not her servants. The manner, in which he obtained the grant, and possession

of the earldom of Murray, notwithstanding Huntley's rights, was at once fraudulent, and tyrannous; and by carrying the Queen, with him, into the north, to aid her minion, in that transaction, he involved his sovereign, in the disgrace of his own fraudulence, and illegalities. Yet, did he oppose the Queen's marriage, with Darnley, even to the extent of rebellion, as he wished to sin with Elizabeth, rather than to sacrifice to Mary. For his restoration to his country, he entered into the most dangerous plot, with Darnley, and his father, Lennox, for the assassination of Rizzio, in the Queen's presence, to the imminent risque of the Queen's person; thus committing by his agents, Morton, and Maitland, a mingled act of murder, and treason, of the most atrocious nature.

Yet, historians inquire, whether Murray was capable of entering into a conspiracy against Darnley's life, and the Queen's sceptre? While Murray's whole life consisted of plots, of privy conspiracy, and open rebellion, what evidence does it require, to trace him into a concert, which had two objects, for his gratification; Darnley's death, and the Queen's dethronement? Yet, must it be remembered, that such was the state of Scotland, in that period, and such the overpowering strength of Murray's

faction, as it comprehended the officers of state, that such a plot could not have existed, without Murray's knowledge : Neither could Secretary Maitland have engaged, in such a conspiracy, without Murray's assent, who was plainly Viceroy of Scotland, with more consideration, than the Queen herself enjoyed. Murray, and his faction, were at constant enmity with Bothwell, who was deemed, on the formation of their multifarious plot, the properest person, to be pushed forward, in so nefarious a task, as Darnley's murder, both as the *cat's-paw*, and the *scape-goat*. In the meanwhile, Bothwell was regarded, by shallow observers, as a courtier of consequence, while he was, merely, a conspirator, with Murray, who lent his instrument that unreal importance, the while, which disappeared, the moment, when he was cast off, though he was the Queen's husband. The facts, as they arose, in the progress of the conspiracy, are the best proofs of the several events, as they, successively, occurred.

Darnley was murdered, on the 10th of February 1566-7. And the question will always recur, By whom was he assassinated ? The State Papers, and the Statute Book, are the best evidences of that fact : Of them we learn, that Darnley was murdered, by a concert of

nobles ; by Bothwell, and Morton, and Maitland, as Murray's agents : Murray was the chief comploter, from its commencement ; and the principal gainer, from its conclusion.

But, the circumspection of Murray's artifices did not allow him to remain, in Scotland, to see the *dénouement* of this tragedy. He departed, from Edinburgh, on the 9th of April 1567, three days before the trial of Bothwell, for Paris, through London ; and he communicated to Cecil the whole detail of the conspiracy, which was yet to be executed ; namely, the acquittal of Bothwell, when tried, for the murder of Darnley ; the marrying of him to the Queen ; in order to connect her with the murder, however innocent ; the expulsion of Bothwell, and the dethronement of the Queen ; the proclamation of the King, and the appointment of Murray, as regent : And, Cecil thus learning all this, from Murray, took steps, for sending Elizabeth's Lieutenant, Bedford, to Berwick ; *to countenance the lords* ; as we know, from Bedford's letter, in the Paper Office. It is apparent, then, that Murray had concerted the whole of that detail with Morton, and Maitland, before his departure from Edinburgh. There are letters, in the Paper Office, from Maitland to Cecil, asking for money, to support this fresh insurrection. It is a known fact,

that Morton, and the insurgents, in Scotland, corresponded with Murray, in France, and that Cecil acted, as the agent, between them.^b Every thing was transacted, in Scotland, according to the detail, which had been agreed upon, with Morton, and Maitland, in the previous concert, with Murray, and communicated, by him, to Cecil. It is apparent, then, that the Scottish Queen was dethroned, by the co-operation of Elizabeth's government.

With the aid of Cecil's artifices, and money, Murray was enabled to return to Edinburgh, in August 1567. He found the Queen, in prison; her infant son, on her throne; and himself, the declared Regent. Murray now gathered up what of the conspiracy, and insurrection, yet remained, to be executed. What had hitherto been done was, by artifices, and violence: It still remained, to justify the doers, and to legalize so many crimes, and so much illegality. Murray, who had now received the government, from his own agents, which had dethroned the legitimate sovereign, called a Parliamentary meeting, on the 15th of December 1567.

When the insurgents, who acted, under Mur-

^b See the *Cabala*, which is the record of his guilty intercourse.

ray's influence, and Morton's guide, imprisoned the Queen, they had nothing to charge her with. Yes; she had married Bothwell, who had, by their management, been declared innocent of the King's murder; who had been recommended to her, by themselves, as the fittest husband: And, Bothwell, encouraged, by those measures, seized the Queen, carried her to his castle, and, by coercion, made her consent to marry him. But, such facts do not warrant the conclusion, which Murray, and his insurgents, drew from them, that she must have known, previously, of Bothwell's intention, to murder her husband; Those facts, as they are vouched, by the act of parliament, forfeiting Bothwell, establish her innocence: Though this marriage answered the odious purpose of detraction; yet, the weakness of it was felt, when the facts were, minutely, examined, even before Murray's arrival from France. To strengthen that weakness, forgery was called in: And then appeared a box-full of the Queen's letters to Bothwell, sonnets, and promises of marriage, under the guilty assertion of the notorious Morton. Murray entered into this measure of crimination, by forgery, with all the ease of long habit. He began, early, to practise fraudulence; and he closed his career of fraud, by causing Paris's declaration to be forged, within

his own castle, by his own agents, and by sending it to Cecil, as proof. Yet, the box of letters was not opened, in Scotland, either before the Privy Council, or in the Parliament; in which some eyes might have seen secrets; and, according to Robertson, France, and Spain, might have been too much enlightened, by such disclosures.

But, baser scenes were still to be acted, by those great masters of the profoundest fraud. With Murray at their head, Morton, on their right, and Maitland, on their left, they were to attribute to the Queen the King's murder, which they had themselves committed: The State Papers, and the Statute Book, demonstrate, that Murray's faction murdered Darnley: But, how do Murray, and his faction, disprove that *demonstration*; and evince, that the Queen knew any thing of that crime, before it was committed? She married, by artifice, and coercion, Bothwell, one of the murderers, as an agent of Murray: But, the act of Bothwell's forfeiture refutes *Murray's inference*. She wrote letters, from Glasgow, to Bothwell, who was then busy, in preparing, for Darnley's murder: But, the Queen was then, at Edinburgh, and she was then reconciled to her husband. In the justification, which Murray thus sought, for his friends, and in the charge, that he wished

to establish against the Queen, he, equally, failed in both ; because he had no proof, to repel the *improbability* ; arising from the Queen's reconciliation with her husband ; and still less was he able, by any evidence, to refute the *impossibility* of the Queen's writing a long letter, from Glasgow, while the publick records establish her *alibi*, at Edinburgh, where she then was.

During the following inquiry, in England, Murray was doomed to sustain a double measure of guilt ; as he attempted, to cast his own guilt upon his sovereign, and sister, before a foreign Queen, though he knew her to be innocent. At York, before Elizabeth's commissioners, Murray took an oath, to act fairly, and, immediately, acted foully ; so that he here incurred the guilt of perjury. When this disgraceful inquiry was advocated, by Elizabeth, to Westminster, Murray presented a formal accusation against his sister, and sovereign, for the murder of her husband, though he knew the charge to be unfounded. This charge, which he had basely made, three times before, was nothing more, as we have seen, than a counterfeited tissue of misrepresentation, falsehood, and impertinence. Such, then, was the accusation of Murray against his sister, and sovereign : a conduct this, which Robertson de-

clared to be unbrotherly, and ungrateful; a crimination, that, the historian might have said, was as atrocious, as it was unfounded, since the plotter, plainly, was himself obnoxious to the same charge.

In addition to such a collection of gross misrepresentations, deliberate falsehoods, and inconsequential reasonings, Murray gave in to Elizabeth's commissioners various forgeries of letters, sonnets, promises of marriage, and a journal, with some records, which had been vitiated, by abstraction, and addition. Murray swore to the genuineness of the letters, which he knew to be false; thus adding to the crime of forgery, the offence of perjury: Worthy proofs these of such a charge, from such a man. The calumny of the Scottish Queen, which was by those means very effectually performed, for Elizabeth's policy, she purchased, by a donation to Murray of five thousand pounds, sterling money, under the pretence of loan. She dismissed him, at length, with his associates, to Scotland, assuring him of the safe custody of the Scottish Queen, and of the support of his own government. This dependence, under which he brought Scotland, was disgraceful to the nation, says Robertson; and, he might have added, injurious, in a high degree. Murray had, scarcely, returned to Scot-

land, when he was called upon, by Elizabeth, to betray Norfolk, whom he had deceived, with a baseness, says Robertson, unworthy of a man of honour, if such a motive existed, in that age, amongst a debased nobility. Personal bravery, military skill, sagacity, and vigour in civil affairs, are virtues, which Murray may be allowed to have possessed, among a people, whom he had let down, by the subserviency of his own ambition: Yet, in the conduct of the Queen's government, Murray was unfeeling, and resentful, violent, and tyrannical; as we know, from his conduct on the borders, and from the ruin of Huntley's family. It is to be regretted, that he was taken off, prematurely, by a stroke of private vengeance; as it had been an affair of great importance, had he remained to have closed his guilty career, by the sword of publick justice; as he must be allowed, to have been one, of the most consummate criminals, during an age of miscreancy; when it is recollected, that Murray, and his faction, after murdering the King, endeavoured, as much as in them lay, to cast the shocking guilt of that terrible deed, from themselves, upon the innocent Queen, their beneficent sovereign.

Bothwell, the instrument of Murray, in the commission of that odious deed, as well as for the treasonous violence, offered, by him, to the

Queen's person, was forfeited, by Murray's Parliament, after being allowed to expatriate himself, without molestation. Secretary Maitland, another of Murray's agents, whose whole life was a continued act of treachery, and falsehood, of fraudulence, and forgery, was, again, and again, attainted by Parliament, for the murder of Darnley, and died by poison. The Earl of Morton, the most powerful of Murray's agents, and the most guilty of his partisans, died on the block of shame, the conviction of his guilt being recognised, and, also, confirmed, by Parliament. Such crimes had never been committed, in Scotland, under Mary, if a sovereign had not then ruled a neighbouring kingdom, who was as base, as criminal, and as guilty, as her Scottish agents, undoubtedly, were.

SUBSIDIARY DOCUMENTS.

No. I.—*Of the Projects of the English Government, for the subduction of Scotland, under Henry VIII., Edward VI., and Elizabeth.*

THE duplicity, and overbearing of Henry VIII., in his intercourse with his nephew, James V., need not be insisted on; as they are, sufficiently, apparent, in the State Papers of both kingdoms.

At the memorable epochs of the demise of James V., and the birth of Mary, in December 1542, the odious designs of Henry VIII. become more avowed, though not less profligate, and artful. His great object, plainly, appeared to be the subjection of Scotland, by whatever means: To effect this, his first purpose, appears to have been, to obtain possession of the infant Queen, Cardinal Beaton, and Arran, the Governor: His second aim was to acquire the principal fortalices of Scotland. Nor, did

^c In 1542, he published "A declaration, concerning the just causes, and considerations of this present warre with the Scottis: Wherein also appeareth the true, and right title, that the king's majesty hath to the sovereigntie of Scotland." In the inquiry, at York, 1568, Elizabeth tried to induce the Commissioners, and other Scottish statesmen, to acknowledge the sovereignty of England over Scotland; but, without success.

he want the means, if his management had been equal to his artifice. He entered into the most unprincipled engagements with those expatriated traitors, the Earl of Angus, and his brother, Sir George Douglas, who received regular pay, from Henry, for maintaining 200 men, who were constantly about them, with design, to seize the important person of Cardinal Beaton; but, they were constantly foiled, by the management of that able man. The prisoners, whom he had obtained, at the disgraceful rout of Solway-moss, by the corruption of his agents, more than by the valour of his troops, he engaged, in his service, as if he had been already sovereign of Scotland: He even appointed the Earl of Glencairn, one of the corruptest of mankind, to be Chancellor, and James Drummond, the Secretary.^d

The next object of Henry's corruptions was the Queen-mother. He gave instructions, to practise with the Queen-dowager, for acquiring possession of the infant Queen, her daughter: And, to gain, by any means, possession of *the Cardinal*; "because," said Henry, "he will work to his possible power, to overthrow all the purposes of our friends." The king, "whose foul subordination was predominant," intimated his displeasure, that Arran should have been appointed regent; and yet, artfully, endeavoured, to gain him to his corrupt purposes. But, the person of the infant sovereign was the principal object of all his aims, and artifices. The Bishop of Durham, and his other agents, wrote to the Privy Council,

^d The most authentick account of those abominable measures, during December 1542, and January, and February 1542-3, are in the *Hamilton State Papers*, vol. iv.

about an offer, which was said to be made, by the Laird of Buccleugh, for delivering the minor Queen into the English power, "though it seemed to them an unlikely matter; and as they thought, a measure, not standing with the king's honour, to practise it, in such sort; yet had they given order to Sir Thomas Wharton, to do the best he could, in the same." There is another letter remaining, from the Duke of Suffolk to Sir Thomas Wharton; desiring him to confer with the Laird of Buccleugh upon that subject; "although the duke thought him, to be a very mean man, to have the managing of so great a matter."^c

The next object of this capricious sovereign was, to acquire possession of *the strengths* of Scotland, by any means. He prepared a force, to overawe the Cardinal, and his party; and he offered any assistance to Arran, the Governor; to whom, he directed, that it might be intimated, that if they should take away the young Queen, and should marry her against his consent, that he would, by force of his title, and *superiority*, make the Governor king of that part of Scotland, lying northward of the Forth. The Governor, however, declined the aid of an English army; assigning, as a reason, what shows how many enemies Henry's overbearing had produced, "that if Arran, and his party, should bring in the English, all their own followers, would go over to the other side:" And, he declined, also, the offer of being made King of Scotland, beyond the Forth; saying "that all his *lands*, and *livings*, lay on this side the Frith,

^c *Id.* in March, April, and May 1543, six months, after Mary's birth.

which he wished not to exchange, for any thing beyond it." In August 1543, Henry agreed, to send 8000*l*. to the Governor, if he would deliver him the strengths on the south of the Frith; or put the young Queen into his hands: But, this corrupt offer of an unprincipled prince was not made to the Governor, by the English agent; as the Governor did not press for money; as he could not perform, the condition on his part; the young Queen being in such custody, as he could not acquire her person. It appears, from a bond of manrent entered into, between the Governor, and the Master of Eglinton, in 1545, "that the *young Queen*, when she came of age, should marry her near kinsman, the Earl of Arran, lest by matching with England, *the crown might pass to the auld enemy*."^c In the midst of all those intrigues of ambitious folly, Henry's vanity, as an author, induced him to ask, how the Scots liked his books on religion; and if the Governor desired to have any more of them. To such questions, Sadler, with all his subservience to so impatient a master, made answer, "Surely, to signify the plain truth, I see not that the same is much liked, by any party, in Scotland; nor yet, that the Governor desireth to have any more of them."^f

In the meantime, the imprudence of Henry, in seizing the Scottish ships, in the English harbours, contrary to the late treaty, enraged the people of Scotland: The citizens of Edinburgh were, particularly, provoked; and threatened to fire the lodging of the English Envoy; and they were incensed against the Governor, for consenting to

^c Hamilton Papers.

^f Hamilton *Archives*, vol. v. and vi. in June to August 1543.

such a treaty ; saying “ that he had coloured a peace with England, only, to undo them.”

Yet, Henry seems, by his books, and his example, to have converted the Regent, Arran, to his own principles, and violent practice : The English agent wrote, from Scotland, on the 4th of September 1543, “ that the work of reformation had begun, at Dundee, by destroying the houses of the Black, and Gray Friars ; and that afterwards the Abbey of Lindores, had been sacked, by a company of good Christians, who turned the monks out of doors : And that afterwards, a similar attempt had been made on the Black Friars, at Edinburgh, by the Captains of foot soldiers, and their retinue, who were in the pay of the Governor, while he was absent ; but, that the inhabitants, both men, and women, assembled in defence of the Friars, and drove the captains, and their soldiers, out of the town : And surely, my lords,” adds the English Agent, “ I never saw people so wild, and in such a fury, as they be here even now.” We at length see, that it was time the Governor, and Cardinal, should understand one another : They met, at Falkirk, on the 4th of September ; and went together to Stirling, where they were met by Lennox, Huntley, Argyle, and Bothwell, [Earl Patrick ;] and had concluded, *to crown the Queen upon Sunday then next* ; and the Governor had declared to them, what the English king required, touching the suppression of divers Abbays ; and he, moreover, acknowledged, that the Friars of Dundee were sacked, by his consent, for which, he had, on Saturday, done open penance, in the Friar-house, at Stirling ; and having then taken an oath to defend the monks, heard mass, and re-

ceived the Sacrament; and he was thereupon absolved, by the Cardinal, and Bishops. In the midst of those disgraceful scenes, the Earl of Angus, Sir George Douglas, the Earl of Glencairn, and other personages of their principles, received the wages of corruption from Henry VIII. without daring to attempt the performance of the treasonous task, which, an unfeeling master had assigned them. The Duke of Suffolk, and Tunstal, Bishop of Durham, as Lords Justices of the North, wrote to the Privy Council, as their firm opinion, that if Henry desired no more, than a due performance of the Scottish treaty, of peace, *and marriage*, the Scots might be brought to agree to it, whereas, if he went further, few, or none, would give their consent.^g

The Cardinal had now gained the ascendancy over the feeble spirit of the Regent: And, in November 1543, they went together to Perth, and to Dundee, where they arrested the Earl of Rothes, Lord Gray, and *Henry Balnavis*, whom they sent to prison, for reforming the people, no doubt, under Henry's influence.^h

Henry VIII. now somewhat varied his profligate plan, by making applications to particular persons, who might

^g *Hamilton Archives*, vii.: In it, is the letter of the 13th of September 1543, from Lord Wm. Parr, to the Duke of Suffolk, which gives the above account of the Regent Arran's *Reformations*, and *Recantations*. If the baby Queen, with her nurses, had been allowed to govern, they would have acted, with more spirit, and consistency. The citizens of Edinburgh, we perceive above, were not yet, sufficiently, reformed, in September 1543, to see illegal violence, within their walls, without rising to resist it.

^h *Ib.* viii.

perform special acts of successful treason : In this spirit, he applied, by his agents, to *the Master of Morton*, Sir George Douglas's son, who, as early as April 1544, held a traitorous correspondence, with his country's enemies : *The Master of Morton*, and Alexander Jarden, the Captain of Tamtallon-castle, had agreed to surrender that stronghold to the Earl of Hertford, when the English army should arrive.¹ Henry, on the 26th of June 1544, entered into a contract with the Earl of Lennox, "to deliver to him the castle, and territory, of Dunbarton, with the Isle of Bute."^j In pursuance of the same plan of corruption, Henry, on the 13th July 1544, granted a yearly pension of 250*l.* to William, Earl of Glencairn, for what he had done, and intended to do, for the English interests : And Henry, at the same time, granted a pension of 100*l.* to Glencairn's son, Alexander, the Master of Kilmours.^k We may herein see the origin of that

¹ *Hamilton Archives*, ix. the Earl of Hertford's letter to Henry VIII. : *The Master of Morton*, whom we have seen above, acting *the traitor*, became *Earl of Morton*, and *Regent of Scotland*, who after a thousand acts of treachery, of falsification, of murder, and treason, died on the disgraceful block, for his concernment, in the murder of Lord Darnley. There are two subsequent letters, in the same volume, from the Earl of Hertford to Henry VIII. ; informing him, that James Douglas, *the Master of Morton*, and his brother, David, had renewed their engagement, to deliver Tamtallon to the English General, when he arrived there, and all their friends should be at Henry's command ; and as an earnest of this, they had seized, and secured the captain of Dunbar-castle.

^j *Rym. Fœd.* xv. 29 : Lennox was soon after legitimated, in England.

^k *Ib.* 47.

activity of patriotism, and reform, which distinguished that corrupt family.

This disgraceful policy of Henry was further extended to other persons, in Scotland, for performing monstrous acts of treasonous mischief to their wretched country. On the 17th of April 1544, the Earl of Hertford, with the council of the north, wrote to Henry, from Newcastle: " Please it your highness to understand, that this day, arrived, here, with me, the Earl of Hertford, a Scottish man, called, *Wyshart*, [George Wishart of the Scottish martyrology,] and brought me a letter, from the Laird of Brumston, which I send your highness herewith; and according to his request, have taken order, for the repair of the said *Wyshart* to your majesty, by post, both for the delivery of such letters, as he hath to your majesty, from the said Brumston, and also of the credence, which, as I can perceive, consisteth of two points: One is, that the laird of Grange, late Treasurer of Scotland, *the master of Rothes* [the notorious Norman Leslie] the Earl of Rothes's eldest son, and John Charteris, would attempt, either to apprehend *the Cardinal*, at some time, when he shall pass through the Fifeland, as he does sundry times to St. Andrews; and in case they can so apprehend him, will deliver him to his majesty, which attempt, he sayeth, they would enterprise, if they knew your majesty's pleasure therein, and what supportation, and maintenance, your majesty would minister to them, after the execution of the same, in case they should be pursued, afterwards, by any of their enemies. The other is, that in case your majesty should grant unto them a convenient entertainment, to keep 1000, or 1500 men, in wages, for a month, or two, they joining with the power

of the Earl Marshal, the said heir of Rothés, the laird of Calder, and others of the Lord Gray's friends, will take upon them, at such time, as your majesty's army shall be in Scotland, to destroy the abbey, and town of Arbroath, being the Cardinal's, and all the other bishops', and abbots' houses, and countries, on that side the water, thereabouts, and to apprehend all those, which, they say, be the principal impugnators of the amity, between Scotland, and England: For the which, they should have a good opportunity, as they say, when the power of the said bishops, and abbots, shall resort towards Edinburgh, to resist your majesty's army: and for the execution of these things, the said Wyshart sayeth, that the said Earl Marshal, and others, aforementioned, will capitulate with your majesty, in writing, under their hands, and seals, afore they shall desire any supply, or aid of money, at your majesty's hands. This is the effect of his credence, with other sundry advertisements of the great contention, and division, that is, at this present, within the realm of Scotland, which we doubt not, he will declare unto your majesty, at good length."¹

There is a minute of the Privy Council, in answer to the above letter; stating "that Wyshart had been with his majesty; and for *his credence*, declared even the same matters, in substance, whereof your lordship hath written." And, he received for answer, touching the fact against *the Cardinal*, that if the lords, and gentlemen,

¹ Hamilton *Archives*, vol. ix. The letter above, though written, in the name of the Earl of Hertford, was subscribed, also, by Cuthbert, bishop of Durham, Robert, bishop of Llandaff, and by Rafe Sadler.

named, shall enterprise the same, earnestly, and use the utmost endeavours to bring the same to pass, and should be obliged to fly into England, for refuge, "his highness will be contented, to accept, and relieve them, as shall apertain." As to their second proposal, for engaging to burn, and destroy, the bishops', abbots', and other kirkmen's houses, and lands, his majesty answered, that his army would be returned out of Scotland, before he could send down, to make the contract, and have it returned; and then transmit the required aid; but, if they will engage to burn, and destroy, as they have offered, while his army is in Scotland, and will give his lieutenant, Hertford, hostages, for their performance, he authorizes Hertford to give them 1000*l.* sterling, for their purpose.^m

This intrigue of Wyshart, and his employers, which was as treasonous, as it was abominable, did not, probably, altogether escape the Cardinal's penetration. Hearing that Wyshart, who had returned to Scotland, in 1544, lurked, at the house of Ormiston, he applied to the Governor, to have him arrested. The high-sheriff of the county, Patrick, Earl of Bothwell, was employed, for that end: And, on the 19th of January 1545-6, there is an order of the Privy Council, to deliver Wyshart to the Governor, and to keep him surely, "under the hiest pane." He was, accordingly, sent to the castle of Edinburgh; and thence transferred to the Cardinal's castle of St. Andrews. Here, was Wyshart condemned, *for heresy*, and burnt, on the 1st of March 1545-6.ⁿ

^m Hamilton *Archives*, ix. See the above letter, dated the 26th of April 1544, in Haynes, p. 32-3.

ⁿ Keith, 41 At the moment of his execution, Wyshart

There still remains, in the same collection, a letter of instruction, from the Privy Council of England, dated the 10th of April 1544, to the Earl of Hertford, inform-

is said to have foretold the Cardinal's death, in the said castle, within a few days. Dempster says, in his *Historia Ecclesiastica*, 598, that Wyshart, *being in the plot to take the Cardinal's life*, might easily foretel his death. "Doctor Mackenzie," says Bishop Keith, "has given us the scrape of a letter, that seems, strongly, to support the truth of that assertion : But, Keith, after all his researches, in the Lawyers library, could not find the said letter, and is, therefore, induced to publish *the scrape*." [*Hist.* 41-2.] I have now published above, the letter, at large, with the answer to it of the English Privy Council. And, the evidence of both, certainly, proves, that Dempster was founded, in his fact : Wyshart was, plainly, in a plot against the Cardinal's life ; he was obviously guilty of treason, of the blackest kind ; and if Wyshart had had twenty lives, he ought to have lost them ; but, not for *heresy*. The Cardinal was assassinated, on the 29th of May 1546, within his own castle, at St. Andrews, by Norman Lesley, Grange, and other conspirators. It is a great aggravation of the barbarous crime of Norman Lesley, that he had entered into a *bond of manrent* to the Cardinal, on the 24th of April 1545, for a valuable consideration. [*Innes's MS. Collections.*] Henry VIII. lived long enough to approve so much of the conspirators act, as to settle the following pensions on them, from Lady-day 1546 :

To Norman Lesley, yearly	-	-	-	£250
To the laird of Grange	-	-	-	200
To David Money penny	-	-	-	100

ing him, in the King's name, that the grand attempt on Scotland was delayed, for a season; and directing him, in the meantime, to make an inroad into that kingdom; and "there to put all to fire and sword, to burn Edinburgh-town, and raze the castle; putting man, woman, and child, to fire and sword, where any resistance shall be made against you: And this done, pass over to the Fifeland, and extend like extremities, and destructions, in all towns, and villages, whereunto you may reach, conveniently; not forgetting amongst all the rest, so to spoil, and turn upside down, the Cardinal's town of St. Andrews, as the upper stone may be the nether, and not one stick stand by another; sparing no creature alive, within the same, specially such, as either in friendship, or blood, be allied to the Cardinal."^o But, of this horrible order enough! How Hertford executed his com-

To Henry Balnavys	-	-	-	-	£125
To John Lesley	-	-	-	-	125
To James Lesley, the parson of Aberdour	-				100
To William Kirkaldy, the younger, of Grange	-				100

Such, then, were the assassins of Beaton, the Cardinal; and, the rewards granted, by Henry VIII., for *the deed!* [*Privy Council Reg.* Ed. VI. Sunday, 6th of February 1546-7.] And Henry resolved, with his last breath, not only "to give certain pensions to divers noblemen, and others, which defend the castle of St. Andrews, for his majesty's service;" and for the advancement of the marriage; but, also, upon certain articles devised, for the benefit of both the realms, to entertain, at his Grace's charges, 120 men, for the more sure defence of the said castle, against the King's enemies, in Scotland. [*Id.*] ^o *Ib.* Vol. ix.

mission of *fire and sword*, on the Scottish people, history must tell.^p

EDWARD VI.

The successor of Henry adopted the same policy, with respect to Scotland, the same corrupt means, the same odious warfare; “as most necessary, for the honour, and surety, of the King that now is.”^q From that epoch, till the peace of Bulogne, in March 1549-50, which comprehended Scotland, there was continued the former system of establishing the English policy, by corruption.^r

In every corrupt transaction with particular Scotsmen of that age, there was a clause, that they should do their

^p Keith, 46-7. Buchanan, with his usual falsehood, affirms, that Henry sent letters into Scotland, full of *just complaints*, before he sent his fleet and army. Of such letters, there is no trace: But, see the Regent’s letter to Henry, proposing terms of accommodation, in Keith’s *App.* No. VIII.

^q *Id.* Balnavys, who negotiated that treasonous transaction, was sent back to St. Andrews, with information of those resolutions of the two Kings; and Mr. Lesley was appointed to remain, at London, to receive advertisements, from Scotland.

^r The following are some of the pensions, exclusive of the casual payments of money to individuals:

To Lord Bothwel (Patrick,) in part payment of his			
pension	-	-	£376 0
To And. Gray, in part of his pension	-		12 10
To John Steuart, the same	-	-	25 0
To Sir John Borthwick, the same	-	-	75 0
To Oliver Sinclair, as his majesty’s reward	-		50 0

best endeavours, for the delivery of the Scottish Queen to the English King.³ Of the wars, and waste, of that period, history must tell. In 1551, William Thomas, a well-known Clerk of the Privy Council, who had secret communications with Edward VI., wrote, privately, to the youthful King: "For Scotland; since we cannot now conquer it, I have no hope of good but one;⁴ that the Governor, [the Earl of Arran] by our comforts, may be enticed to take the crown upon him: If he be thereunto persuaded, we shall not only establish a present friend to ourselves, but, a perpetual enemy to France."⁵ Of the morality of that advice, and the sub-

To the Master of Ruthven, as the same	-	£39	0
The Master had another reward of	-	25	0
To H. Balnavys, remaining in France	-	60	0

There are many payments, to Ormiston, and Brumston.
[*The Privy Council Reg. of Ed. VI.*]

³ In Ayloff's *Calendar*, 322, there is preserved a notice of an instrument, by Norman Lesley, the "Master of Rothies, and others; promising to do their endeavours, for the delivery of the Scottish Queen to the English government." See this treaty dated the 2d of March 1547, in *Rym. Fæd.* xv. 131-144. There was a similar treaty, for the same corrupt purpose, made with Lord Gray, on the 11th of the same month. [*Ib.* 143.] And there was afterwards settled on Lord Gray, a pension of 100*l.* a year. [*Ib.* 200.] So, in September 1549, there was a pension settled on Patrick, Earl of Bothwell, of 3000 crowns. [*Ib.* 190.]

⁴ This was said, with an allusion to the amalgamation of Scotland with France; and the late peace of May 1550. [*Ib.* 255-6.]

⁵ See Strype's *Mem.* ii. p. 72: Thomas only recommend-

sequent corruptions, little need be said; since the insidious object is quite apparent; and was certainly adopted, by Cecil, in the subsequent period: It was probably not kept quite secret; as means were found, to remove Arran, the Governor, and to place the Queen-mother, in his room.*

ELIZABETH.

The marriage of the Queen of Scots with the Dauphin of France, in April 1558; and the accession of Queen Elizabeth to the throne of England, in November 1558; were influential events, in the Scottish history: By the first event, Scotland was identified with France; by the second, England was induced, by the wisdom, or the wickedness, of Sir William Cecil, to enter into the most criminal intrigues, in both those kingdoms, wherein Francis, and Mary, had such important interests. In the subsequent year, the corrupt advice of William Thomas was carried into full effect, in Scotland, by the corrupter management of Secretary Cecil.† Arran, the

ed to Edward VI. the corrupt policy, which had failed, under the coarse practices of Henry VIII. Thomas was hanged, in the subsequent reign, for his practices, during the present.

* The 12th of April 1554 is the true date of that transfer of the Scottish government, which is, specially stated, in the *Privy Seal Reg.* xxvii.

† “ If the Queen, and Dauphin (said Cecil, in August 1559,) will not grant certain points; then may the Estates commit the government there to the next heir of the crown: the Queen [Mary] will not comply; then is it apparent, God Almighty is pleased to transfer, from her, the rule of the

heir-presumptive of the crown, under a parliamentary settlement, and contrary to a more recent change of the government by Parliament, in April 1554, when the Queen-mother was appointed Regent, in his stead, was induced, by Cecil, to come forward, as the rival sovereign, in contempt of the legal authority; which had recognised his presumptive rights.² Following up his Jacobinical principles, Secretary Cecil, on the 1st of August 1559, in the name of Elizabeth, gave the following instruction to Sir Ralph Sadler, who had been the profligate agent of Henry VIII., and was now employed, by Elizabeth, in similar pursuits, in Scotland: As to the real intentions of the bastard Prior, Sadler was instructed: "You shall do well, to explore the very truth, whether the Lord James, [the Prior,] do mean any enterprise towards the crown of Scotland, for himself; and if he do, and the Duke [Chastelherauld] be found very cold *in his own cause*, it shall not be amiss, to let the Lord James follow his own desire therein, without dissuading, or persuading him any thing therein."³ What is this, but saying that, if the presumptive

kingdom, for the weal of it." All this was written, by a foreign minister of a foreign power, who had no right to interpose, contrary to treaties, and the established law; as settled, recently, by the Estates of Scotland: Jacobinism could not go beyond the guilty reasoning of Cecil.

² See Haynes, 253: Articles, between the Duke of Norfolk, Elizabeth's Lieutenant, in the North, and the Lord James Steuart of Scotland, 27th Feb. 1559-60.

³ Sir Ralph's instructions, which are in the Paper Office, and indorsed, in Cecil's hand, "for the Queen's majesty." [Bundle P. 20.] Cecil was induced to submit such instruc-

heir of the crown will not unlawfully seize the expectant sceptre, in the legitimate hand of the actual possessor, a bastard pretender must be incited to assume it? It is unnecessary to trace Cecil any further, in his usual career of odious policy, as to the neighbour nations: The whole life of the Scottish Queen supplies illustrations, both of his profligacy, and practice, immoral as they were.

Elizabeth hastened to make peace on the 2d April 1559, at Casteau-Cambresis, with France, and with Scotland. On the 30th of May following, Elizabeth made peace, at Norham, more particularly with Scotland. The demise of Henry II. of France, on the 10th of July 1559, with the succession of Francis, and Mary, seem to have converted Elizabeth's desire of peace into a passion for war.^b In December 1559, Admiral Winter, with an English fleet, was sent into the Forth, "to act "as from himself." The Duke of Norfolk was sent into the north, as the Queen's Lieutenant-general, "to act "as from himself." In January 1559-60, Secretary Maitland "was at Westminster, to be conferred withall,

tions to the eyes of Elizabeth, partly, by his general policy of inciting troubles, in every nation, but more by a dispatch, from Throckmorton, Elizabeth's ambassador, at Paris, dated the 26th of July 1559; informing Secretary Cecil, that the Prior had such intentions. [See that dispatch, in Forbes's State Papers.]

^b On the 11th of July 1559 was held a consultation of Elizabeth's ministers, for the French King's style and arms of England, to be joined with France. [Cecil's *Diary*, Murdin, 749]

“for Scottish matters:” On the 18th of February, this Secretary returned into Scotland. On the 27th of February “the accord was made, by the Duke of Norfolk, “at Berwick, with the Lord James, Lord Ruthven, “Laird of Pittarrow, and W. Maxwell.”^c We thus perceive Elizabeth descend, from her elevation, to make “an accord,” with the Lord James, the bastard pretender of Scotland, according to Cecil’s *Diary*. All this while, however, Francis and Mary were King and Queen of Scotland; and the Queen-mother was regent of Scotland, under the authority of the two sovereigns, and the *Estates* of the realm. Upon what moral principle did Elizabeth, and Cecil, act? Upon none: Their principle was profligacy, in the extreme. If, however, we look into the treaty, we shall see, that the name of the Duke of Chastelherauld, the second person, in Scotland, was used, though it appeareth not, whether he knew anything of such an accord. But, “the Queen’s majesty, having “sufficiently understood, as well by information sent “from the nobility of Scotland, as by the manifest proceedings of the French, that they intended, *to conquer* “the realm of Scotland, suppress the liberties thereof, “and unite the same unto the crown of France, perpetually, contrary to the laws of the said realm, and to “the pactes, oaths, and promises of France,—the Queen’s “majesty thought fit to make this ‘*accord*.’ ”^d What falsehood, and impertinence, have we, in that recital! Elizabeth, and Cecil, knew, that the Queen of Scots, in 1548, had been betrothed to the Dauphin of France, with the free assent of the whole Estates of Scotland.

^c *Ib.* 750.

^d *Rym. Fœd.* xv. 569.

In 1558, Mary and Francis were formally married, with the assent of the Estates, who sent deputies to witness the ceremony, the Lord James being one of the Envoys. By the assent of the Parliament, on that occasion, Scotland, and France, were identified, for the benefit of the people of both. In such a legitimate connexion of Scotland, and France, how could the sovereigns of both make a conquest of one of them? The union of the two kingdoms was legitimated, by the legislatures of both. The liberties of the people of both were enlarged, by the effects of that union. It was absurd, to talk of a legitimate union being illegitimate, and contrary to law. Neither was there any evidence of the breach of any pacts, oath, or promise. This treaty, then, is the record of the guilty conduct of the several parties to this fraudulent accord. The proceedings of Elizabeth, and Cecil, on the one side, and of Lord James, and his coadjutors, on the other, were contrary to every principle of law, human, or divine, to every treaty, existing between the several nations; and contrary to the established system of the Scottish monarchy: Yes; the marriage of the Scottish Queen to the Dauphin, under the authority of the Estates, with the several effects, resulting from a legitimate measure, were inconvenient to England: But, it was an inconvenience, without an injury; because the Estates of Scotland had a right to marry their Queen to whatever potentate: And being an inconvenience, without an injury, it furnished Elizabeth, with no motive of warfare, and gave to the querulous mind of Cecil no cause of enmity.

Yet, on the 25th of March 1559-60, Elizabeth issued a proclamation; declaring the Queen's purpose, to preserve the peace, notwithstanding the King and Queen of

Scots' claims to be the King, and Queen, of England. And two days after the English army entered Scotland, with fire and sword!^e

Yes, says Cecil, when the Dauphin and Mary Stewart, were married, in April 1558, the French King directed them to assume the title, and arms, of England. But, this imprudent act was not any insult to Elizabeth, who was not then Queen. If that act of whatever importance, had been resented, by the English Queen, who was then at war with France, and Scotland,^f the French King might have asked, Elizabeth, By what title do you pretend to be King of France? Our law, which excluded the pretensions of Edward III., who claimed from a *female heir*, equally precludes you. Cecil, however, when he came into power, with Elizabeth, was studious to gratify his mistress's jealousy, by collecting the various instances, in which Francis and Mary had used that disputatious title.^g When Mary became a widow, and she was

* Cecil's *Diary*, in Murdin.

^f From the 7th of June 1557, to the 2d of April 1559, the epoch of the peace of Cateau-Cambresis.

^g For example: On the 16th of July 1559, Ushers going before the Queen of Scots (being now the French Queen) to the Chapel, cry, "*Place pour la reine d'Angleterre.*" The arms of the Scottish Queen were set upon certain arches, at solemnizing the marriage of the French King's daughter with the King of Spain, with the arms of England, and these verses, underwritten, in Scottish.

"The arms of Mary Queen Dolphin of France,
The noblest lady in earth for till avance,
Of Scotland Queen, and England too,
Of Ireland too, as God hath provided it so."

pressed, by Throgmorton, the English ambassador, to ratify the treaty of Edinburgh, which disavowed that assumption, in larger terms, than the imprudence of the one Queen, or the malignity of the other, required : The Scottish Queen said what could not be answered then, and cannot be answered now : When that title was assumed, I was a married woman, under the power of my husband, and we both acted under the authority of the French King : But, since I became a widow, and such influences ceased I have not used such a title, and have no intention to use it, in future. That assumption, however innoxious, in Mary, acting as she did, was never forgiven, and never forgotten :

“ Forgiveness to the injured doth belong :

But, they ne’er pardon, who commit the wrong.”

We have now traced the various projects of the English government, under Henry, Edward, and Elizabeth, during Mary’s infancy, for the subduction of Scotland,

In November 1559, the Queen of Scots made her entry into Chattleherault, where her style was published, as Queen of England, where four verses were made, whereof the two last were :—

“ *Nunc Gallos totoque remotos orbe Britannos*

Unum dos Mariæ cogit in imperium.”

Francis, and Mary, as Dauphins, granted something to Lord Fleming, as King and Queen of England.

There were justs, at Paris, the Dauphin’s two Heralds were apparelled with the arms of *England*, and *Scotland*. [*Cecil’s Diary*, in *Murdin*.] Whether those examples were not stated, with malignant temper, and exaggerated, with unnecessary diligence, needs not be very elaborately ascertained.

by that alien, and corrupt power. How far the Lord James, the bastard pretender of Scotland, with his faction, contributed to that end, for depriving the Scottish Queen of her rights, needs not be here very diligently settled: The treaty of Berwick is the record of their guilt.

No. II.—*Whether the Treaty of Edinburgh, 6th July 1560, in favour of the Scottish Nobles; whereby the Sovereignty of Scotland was transferred, from Queen Mary, to the Insurgent Faction, be true, or false.*

It was an age of falsehood, and imposture, when the people were credulous, as the effect of ignorance, and their leaders were unprincipled: We might perceive, from the document No. 1. in this Appendix, that Secretary Cecil was very capable of any imposition, and the Lord James [Murray,] and his associates, were in the habit of every villany. It was, in the same age, that the grand imposture was practised on the Scottish people, by Murray's faction; when the black letter statute-book of April 1566 was castrated, and a spurious volume of black acts was palmed upon the country, in the black letter statute-book of November 1566. Men practising such impostures, were capable of any baseness. Hume, the historian, detected the same men, in forging an additional article to a treaty, with the Regent-queen.^h The men, who were capable of adding one article to a treaty, were very capable of forging a whole treaty, when aided, by so great an adept, as Cecil, in contriving the *means*, for whatever *measure*.

^h *Hist.* v. 31; and Note O, p. 495.

In addition to what Whitaker has, decisively, reasoned, on this subject,¹ I shall add a few distinct heads; as exhibiting what has occurred to me, in the progress of my inquiries, on so interesting a subject, as detecting forgery, and ascertaining truth. (1) No one has ever seen the original of the copy of an *accord* in, the Cotton Library;² purporting to be the treaty of Edinburgh: Neither the English Rymer, nor the French Leonard, ever saw such a treaty: No such treaty any where exists, in the records of Scotland; nor does any one among the well-informed men, at Edinburgh, know of such, *in the original*.³ What does not appear, must be supposed not to exist. (2.) I have found, in the Paper Office, a

¹ Vindication, iii. 40-43, 463, 515.

² *Calig.* b. 9. fol. 126, the title of which, in English, is, "Accord betwixt the French King and Queen of Scots, and "the Nobilitie of Scotland;" and which was certified to be a true copy, by the Lord James Steuart, and Lord Ruthven, and is countersigned, at the bottom, by Secretary Maitland, who appears, from the transcription, to have been the writer of this copy: Maitland was perfectly capable of making any supposititious treaty.

³ There is an abstract of such a treaty, dated the 8th of July 1560, in the Adv. Lib. Edin. A. 3. 22: But, from the mistake of the date, and other circumstances, it is obvious, that the writer of this abstract did not make it, from an original, though it be a MS. of the reign of James VI. Cecil, in his *Diary*, though he notices the accord, for the demolition of the fortifications of Leith, dated the 5th of July 1560, and the treaty of Edinburgh, dated on the subsequent day, between the English and French ambassadors, does not notice any *accord* between the French ambassadors, and the Scottish nobles. Murdin, 751.

copy of the *Scotish accord* of the 6th of July 1560, which is, plainly, of that time; as it was docqueted, or indorsed, by Cecil's clerk, "Requests of Scotland to the French King;" and to the foregoing words, are added, in Cecil's own hand, "Accorded by the French ambassadors, in presence of the ambassadors of England:" But, this docquet, or indorsement, was afterwards struck out, by Cecil's own pen: For, he soon perceived, that by such an indorsement, in his hand, the English ambassadors, Cecil, and Wotton, were committed, to avouch, or testify, that such a treaty had been signed, in their presence: And, Cecil, who was never at a loss, wrote to his friends, at Edinburgh, to send him a certified copy of the same treaty, which now remains, in the Cotton Library, as above mentioned: Now; this measure cast the responsibility, from himself, upon Lord James, Lord Ruthven, and Secretary Maitland, who were all persons very capable of such an imposture; and of avowing it, for truth, before a credulous world: This management, with regard to the two copies, the one in the Paper Office, and the more formal one, in the Cotton Library, is satisfactory proof of the gross fraud, that had been committed, by Lord James, and Secretary Maitland, in concert with Secretary Cecil; yet, could not be avowed:^m The pretended power of the 2d of June 1560, with the mistake in the year of Mary's reign;

^m Cecil played off the same artifices, in respect to the declaration of French Paris, 10th of August 1569, which we now know to have been the forgery of Buchanan, and Wood: Cecil had the original; but he sent for a certified copy; in order to conceal the imposture.

empowering the French ambassadors, to make such a treaty, as transferred the Queen's sovereignty to the Scottish insurgents, is not, with the copy of *the accord*, in the Paper Office. (3) We may learn from Holinshed,^a what is probable in itself, "that when Montluc, and "Randan, the French ambassadors, were introduced to "Elizabeth, they declared they were sent to the Queen, "and not to the subjects of Scotland: For, it was not "meet, that the King should send to *his own subjects*, " (as they were by this marriage of their Queen) to require peace, or to condition with them, for agreement:" Such a speech, from such men, evinces, sufficiently, that they were conscious of their own inability, to transfer the King, and Queen's sovereignty, to their own subjects: But, it was impossible, that ambassadors, who are praised, by Robertson, for their talents, and address, could have granted any terms of sovereignty to such subjects. (4) When Throgmorton, Elizabeth's ambassador, at Paris, solicited the ratification of the treaty of Edinburgh, the King, the Queen, the Cardinal of Lorraine, and their other ministers, always speak of one treaty, and not of two treaties, an English, and a Scottish one:^o We never

^a *Chronicle*, i. 374-5: The terms of the accord to the Scottish nobles, as set forth, by Holinshed, may be admitted to have been made. *Id.* These terms ought regularly, to have been annexed to the treaty with England, as a part thereof; and it was owing to design, that they were not; and, not to the ignorance of Cecil.

^o Lord Hardwicke's *State Papers*, i. 123-37. If there had been such an *accord* with the Scottish insurgents, there ought to have been an original of it, in the archives of

hear of the *Scottish nobles*, soliciting the ratification of the treaty, granting them such extraordinary terms; nor, would the Queen even ratify the acts of Parliament, which was held, without her knowledge, under the pretence of some treaty. (5-) The precipitation, with which the convention of August 1560 sat down, before it was possible to obtain the Queen's ratification, (and no treaty can be acted upon, without ratification) proves, that the supposititious treaty, under which, the leaders pretended to act, had been obtained, by some fraudulence. (6.) It does not appear, throughout the negotiation, for the ratification of the treaty of Edinburgh, that the French court was aware of what the supposititious treaty contained; but, the Cardinal Lorraine saw very plainly, from other documents, and from the conduct of the Lord James, and his busy coadjutors, "that the King, and Queen's subjects of Scotland, sought to deprive the King, and Queen, of their right of pre-eminence over the realm of Scotland, and to reduce it to the form of a republic."^p (7.) As the concessions of oblivion, which were, really, made, by the ambassadors of Francis,

France, from her ambassadors: But, the silence of Leonard evinces, that no such *accord* exists among the records of France.

^p Lord Hardwicke's *State Papers*, i. 129. The Lord James, and his coadjutors, had, in fact, established an independency on the sovereigns of Scotland, in 1559-60, and 61; they arrogated the right of depriving the Regent-queen of her authority, which she had derived from the *Estates*: and when the sovereign Queen sent over a commission to certain persons, to govern in her name, the insurgent lords, who were named, refused to act, under her authority.

and Mary, to the Scottish insurgents, formed a part of the English treaty, and as Cecil, studiously, avoided to have the specification under the French ambassadors signatures, annexed to that treaty, this omission alone, with the circumstances of his conduct, above mentioned, when committed, by such a diplomatist, as Cecil, shows, that some fraud had been committed, which could not be avowed.¹ (8.) Such, then, are the reasons, which satisfy me, that the *Scottish treaty*, which was certified, by Lord James, Lord Ruthven, and Secretary Maitland, was a gross imposition; such men being capable of any villany; and Maitland being in the habit of forgery. (9.) When Dr. Wotton died, in 1566-7, Cecil was restless till he obtained possession of the papers of his coadjutor; as we learn from Strype;² in order to see what account Dr. Wotton had given of the supposititious accord, with the Scottish nobles. (10.) The actors, in that guilty scene, did not send any person to Paris, to solicit the Queen's ratification of the supposed *accord*; because such an envoy would have met Randan, and Montluc, the French negotiators, who would have disavowed the pretended *accord*: But, without ratification, the treaty was of no avail; though the forgers made haste to carry it into effect.

¹ Robertson, indeed, says, *Hist.* i. 239, that the treaty with Scotland was inserted in the treaty with Elizabeth; but, he is mistaken: And, that *it was not inserted*, in the English treaty, is a strong objection to the rectitude of the whole transaction. There was a clause, in the nature of a guarantee of the *accorde* between the French, and Scots, [Haynes, 355,] which states the sum of the *accorde* of Scotland: This ought, in the practice of diplomacy, to have been annexed to the English treaty. ² *Annals*, iii. 208.

No. III.—*How far Queen Elizabeth endeavoured to intercept Mary, Queen of Scots' Voyage to Scotland.*

(1.) The refusal of passports, which is a fact acknowledged, was a virtual declaration of hostilities against the Scottish Queen. (2.) Both the Lord James, and Secretary Maitland, urged Cecil to intercept their sovereign ; as most beneficial to *the religion*, and most advantageous to *the amity* with England, two cant expressions, which meant much more than was mentioned ; and Secretary Cecil corresponded with both, on this interesting subject. On the 9th of August 1561, Randolph wrote from Edinburgh to Cecil : “ I have received your honour's letters, on the 1st of this month, and also a letter to the Lord James, from his kinsman, out of France.* I have shewn your honour's letters to the Lord James, Lord Morton, Lord Lethington (Maitland) : *They wish, as your honour doth, that she [Mary] might be stayed, yet, for a space: And, if it were not, for the obedience sake, some*

* James Steuart, the Commendator of Inchcolm, who was then in Queen Mary's employ, and confidence, in France. He was afterwards much employed by her ; and, like others, betrayed her secrets to the Lord James, for whose relief, James Steuart engaged in Rizzio's assassination. He obtained a pardon of this treason, by Lord James [Murray's] influence, on the 5th of June 1566. [*Privy Seal Reg.* xxxv. 30.] He married, on the 10th of January 1562-3, Margaret, the sister of Archibald, Earl of Argyle, Murray's associate in rebellion. The eldest son of this marriage was Sir James Steuart of Down, who married Murray's eldest daughter, and, in her right, became the Earl of Murray.

of them care not, though they never saw her face." The Lord of Lethington leaveth nothing, at this time, unwritten, that he thinketh may be able, to satisfy your desire, in knowledge of the present state of things here. Whatsoever cometh of that, he findeth it ever best, *that she come not.*[†] (3.) Contrary to all those concerts, Cecil wrote to Throgmorton, at Paris, on the 26th of August: "*The nineteenth* of this present, in the morning early, the Queen of Scots arrived at Leith, with her two gallies, her whole train not exceeding sixty persons of meaner sort. The lords of Scotland were not nigh, being warned only against the last of this month; only there was at Holyrood-house, the Lord Robert, to whose house she went, and there remained, and gave orders, with speed, to assemble her lords. This was the whole I could learn; being so written in haste, at the same instant. The Queen's majesty's ships, that were upon the seas, to cleanse them from pirates, saw her, and saluted her gallies; and staying her ships, examined them of pirates, and dismissed them gently: One Scottish ship, they detained; as vehemently suspected of piracy." But, this artful representation is contradicted, by Cam-

[†] This instructive letter is in Robertson's *App.* v. from the Cotton Library. Lethington's letter, which is referred to, in Randolph's dispatch, was dated, from Edinburgh, the 10th of August 1561, and is in Keith's *App.* 92-3, wherein the date is misprinted 1560, for 1561. This letter of Lethington was followed, by a more persuasive one to Cecil, dated the 15th of August 1561, which still remains unpublished, in the Paper Office.

[‡] See this dispatch of Cecil to Throgmorton, in Hardwicke's *State Papers*, i. 176, which is plainly written to en-

den's narrative, who was as well-informed, as Cecil, and an honester man.² Cecil's representation is disproved, by the testimony of as great a statesman as he: By the lord keeper Bacon, who in delivering a speech in the Privy Council, during the year 1562, against the projected interview, between the rival Queens, has these apposite expressions: "Besides, think you, that the Scottish Queen's suit made, in all friendly manner, to come through England, at the time she left France, and the denial thereof, except the treaty were ratified, is by them forgotten; or else, your sending of your ships to sea, at the time of her passage?" (4.) When a charge against Lady Lennox, for corresponding with her relation, the Queen of Scots, was carrying on by Cecil; it was given in evidence, by two several domestics of Lady Lennox, that when she heard of the Scottish Queen's escape, from the English ships, she fell down on her knees, and thanked God, for his providential interposition: This implies, that it was distinctly understood, at London, that the English ships were sent out, to bring in the

able the English ambassador to deceive the French court; as its statements were contrary to the fact.

² Camden, *Transl.* 53, who speaks of the Queen of Scots, having gotten a fit opportunity, set sail, from Calais, and arrived, in Scotland; "passing by the English ships, in foggy weather." Lesley, and Brantome, who accompanied the Queen, also speak of the *great fog*, which enabled her to arrive safe. Holinshed concurs with Camden.

³ Goodall, i. 175, from a MS. entitled, *Placita Secreti Concilii*. I have, in my library, a MS. collection of the Lord Keeper Bacon's speeches, which concurs with what Goodall states as above.

⁴ This examination is in the Paper Office.

Scottish Queen. (5.) One of the Scottish ships, attending the Queen, was carried in, as Cecil acknowledges, wherein was the Earl of Eglinton: But, that this particular ship carried the horses and mules of the Scottish Queen, which were undoubtedly captured, appears untrue: It certainly required a long negotiation, and considerable expense, to recover them.* (6.) When Secretary Cecil talked of *cleansing the sea of pirates*, he ought to have blushed; as the conduct of Elizabeth, and her secretary, was clearly piratical, which was indefensible upon any known principle, if they did not avow actual *hostility*, to the Scottish Queen, with whom Elizabeth was then at peace. (7.) Two Dutch vessels, which were employed to transport, from France, the Scottish Queen's horses, and mules, were carried into England by the English fleet, which was sent out to bring in the Queen. The Dutch transports were, after a while, released: But the Queen's horses and mules were detained a month, before they were allowed to proceed, by land, to Edinburgh. The freight of the ships is charged in the Treasurer's books of the 28th of October 1561: And, there is a further charge, on the 19th of the same month, by the Queen's command, "To John Livingston, Master Stabler, for expences made by him, upon 29 horses, and *mulattis*, conveyed with 28 men from Morpeth to Alnwick, and Berwick, holden in England, by the space of 31 days, and from Berwick to Edinburgh, two days, 343*l.* Scots." This, then, is a new fact, in the history of Mary's voyage to Scotland; and is an additional proof of the enmity of Elizabeth, on that occasion.

* Keith, 195, and the Treasurer's accounts of the 28th of October 1561.

No. IV.—*The following Dispatch, from Randolph to Cecil, evinces with what rigours, the Lieutenant acted on the Borders.*

In my last of the 7th present, I wrote your honour, that the Earl of Marre was ridde to do some enterprise upon the thieves, that resorted to common markets, near unto the Borders. It came so well to pass, that upon Thursday last, he arrived, at Hawick, about ten of the clock, and having encompassed the town, with such as were appointed to that office, he being himself in the market-place, caused a proclamation to be made, that no man, on pain of death, should receive a thief into his house, or hinder any man, that was known, or suspected of the like crime: Whereupon all those were taken, that were found in the street, and divers others found, that had hidden themselves, to the number of eighty-three, of the which twenty were acquitted by the assize; the rest condemned; of the which twenty-two were presently drowned there, for lack of trees, and halters, six hanged at Edinburgh, yesterday, being Monday; four of the number of Maxwell's own men sent unto him to be executed; and the rest are presently, in the castle of Edinburgh, in the Queen's will. If your honour might hear of many such journeys, I believe the quietness upon the Borders should in short time be much greater than it is. The example hereof is very good; and the honour not little unto those, that put it so happily in execution.

Besides, those thieves of Tividale, and Langdale, are common enemies, to all virtue and policy: Those are also the people, in whom the Earl of Bothwell doth most trust in, if ever he gets his liberty; and therefore, I be-

lieve there will be the fewer number of them left alive, before that he come abroad. At Stirling, the 7th of June 1562.

No. V.—*Of Murray's Courtship of the Countess of Buchan.*

This intercourse, which has hitherto remained a mystery, may now be made quite clear, from an investigation of the Scottish records.

John, the master of Buchan, the heir-apparent of John, the Earl of Buchan, was slain, at the disastrous battle of Pinkie, on the 10th of September 1547; leaving an only child, Christian Steuart, who was then an infant, and became by her father's death, *the mistress of Buchan*, or the apparent heiress of the Earldom of Buchan. On this lady, the Prior of St. Andrews, when he was not yet nineteen, cast his wishful eyes. And, on the 16th of January 1549 50, he entered into a contract of marriage, with James Steuart, the lady's uncle, to marry his youthful niece.^b We thus see that the contract was made with her uncle, and not with her grandfather, the Earl, but with his youngest son. This contract was never fulfilled, by the Commendator; but, under its cover, he contrived to deprive the heiress of her inheritance. In 1556, when he was twenty-five, he began his artful operations, while she was still under the

^b Sutherland, *Add. Case*, v. 62: He was called *Commendator* in the marriage contract: But, he then appeared, sometimes as Prior, and other whiles, as Commendator, as it suited his purpose.

marriageable age, and her grandfather was old, and unthrifty, to get the estate, within his grasp: As the Earl owed several sums of money, on the mortgage of several estates, with the right of reversion, the Commendator obtained, from the heiress, and her tutor, Sir Walter Ogilvie of Boyne, in 1556, assignations of the right of redeeming those mortgaged estates; and on those assignations, he procured, from the Queen-mother, confirmations of the right of redemption.^c The Commendator thus appears to have been a good lawyer, or to have had a good adviser, in his train; who thus enabled him to do a fraudulent act, by legitimate means.

Encouraged, by this success, he now set his heart not on the lady, but on the more considerable estates of the earldom. The Earl of Buchan, dying at the end of 1562, the Commendator, who had at length become the Queen's chief minister, obtained a grant of the ward, non-entries, and relief of the whole estates of the Earldom of Buchan, and of all other lands, which pertained either to the Earl of Buchan, or to John, Master of Buchan, for all time past, or to come.^d These grants, to the chief minister, were as illegal, as they were unjust:

^c *Privy Seal Reg.* xxviii. fol. 16, 34, 49, 75, &c.; and grants dated the 24th April, 4th August, 27th and 29th December 1556, and 24th May 1557: And he, subsequently, obtained, on his own resignation, a charter, from the crown, on the 9th June 1562. *Privy Seal Reg.* xxxi. 33.

^d *Privy Seal Reg.* xxxi. 70: The grant was dated the 31st January 1562-3: And, to make surety double sure, he obtained another grant, dated the 22d of September 1563. *Ib.* xxxii. 7.

For, they contravened the Act of Parliament, which was made, during the late war, in favour of the heirs of those who might fall in battle, in the Queen's service; and which provided, that the heirs of those, who might die, by the visitation of God, or the sword of the enemy, "should have the ward, non-entries, and relief of their estates, and also of their marriage, free in their own hands, without the usual payments to the crown."^e

On the death of the Earl, his grand-daughter, Christian, succeeded to the Earldom of Buchan; as the heir of her father, John, the Master of Buchan, under the above-mentioned charter of the 4th of August 1547; and on which she obtained seisin, in 1551,^f which legally completed her title to the Earldom. And she was entitled, under the Act of 1547, in favour of the heirs of those, who died, fighting for their country, to enjoy her rights, without paying any feudal incidents to the crown. The all-grasping minister of the Queen, knew both the law, and the fact; yet, did he, in contempt of law, and defiance of justice, obtain a grant^g of those feudal incidents, as we have seen, which, by accumulations, since the death of John, Master of Buchan, in 1547, amounted to vast sums; and for which he obtained judicial appreciations, and thereupon charters from the crown:

^e *Privy Seal Reg.* 1547. John, Master of Buchan, who died on Pinkie field, had obtained, on the 4th of August 1547, a charter of the Earldom of Buchan, to him, and his heirs; reserving a life estate to his father, the Earl. Sutherland *Add. Case*, v. 61; and the charter, which was printed, in Sir Rob. Gordon's *Add. Case, App.* xx. No. 3.

^f The Sutherland *Add. Case*, v. 61.

Thus, did the Queen's minion obtain titles to the Countess's estates, legal, indeed, in appearance, but unjust, in their principle, and abominable, in the means.^a

He did not stop here, in his career of illegality, and injustice. In order to make such an acquisition more sure, the minister of Mary had, previously, obtained from James Steuart, the younger son of the late Earl, and uncle of Christian, a release of all the claim, which he could form to the Earldom of Buchan: In consideration of this release, the minister engaged, to maintain James Steuart in his house, till he should give him a benefice, or other provision of 200 marks, yearly; and as soon, as the minion of Mary should obtain the estates of the Earldom of Buchan, he engaged to augment that provision to 300 marks for life.^b Such, then, were the

^a For the charters of appreciation, in 1563-4-5, see the *Privy Seal Reg.* xxxiii. 44, 56, 140; and the charters in the *Great Seal Reg.*

^b *Privy Seal Reg.* xxxiv. 49: In which that agreement is recited to have been made several years, before February 1565-6: It was afterwards ratified, on the 18th of April 1567: And the provision of 300 marks was yearly paid out of the revenues of the Priory of Pittenweem. *Ib.* xxxvi. 48. It is to be remarked, that James Steuart's right was worth buying; as he was the male heir of the earldom: and would have inherited it, as it was limited to *male heirs*; but for the charter of the 4th of August 1547, vesting the earldom in the master of Buchan, and his *heirs general*, whereby the succession came to his female heir, Christian: Yet, as that charter was granted, in the Queen's minority, it was liable to revocation; and her minister had the power of

sad effects of living under a tyranny, where wicked men bore sway.

After all those grants to the Earl of Murray, by the operation of which he obtained possession of the whole property, belonging to the Earldom of Buchan, he was still anxious, for a new one: On the 3d of June 1565, he obtained a charter from the Queen, on his own resignation, containing a new grant of the whole property to himself, and his heirs, male, and female; whom failing, to Christian, the lawful daughter of the late John, master of Buchan, and the lawful heirs of her body, whom failing, to James Steuart, lawfull son of the late Earl of Buchan; whom failing, to the lawful heirs of the Earl of Murray.¹ At the epoch of that grant, he was, in the height of his

doing this, in his own hands, if the helpless heiress had attempted to quarrel his proceedings, in depriving her, by chicanery, of her inheritance.

¹ *Privy Seal Reg.* xxxiii. 53; and the charter in the *Great Seal Record*. In the Treasurer's Accounts, there is, on the 26th of February 1565-6, a payment, by command of the King, and Queen, to the Clerks of the Session, "for writing *certain contracts*, between *James Earl of Murray*, and the *Countess of Buchan*." What the contracts were does not appear: Perhaps, he was obliged to make, some provision for the Countess, whom he had swindled out of her estate: On the 26th of February 1565-6, Murray was an exile, in England, on account of his rebellion against the Queen; and did not return till after the assassination of Rizzio, on the 9th of March 1565-6; when he came in by force; expecting the Queen to have been dethroned, as the result of that conspiracy.

rebellion against the Queen, whom he was preparing to ruin, by similar arts.

The unfortunate Countess of Buchan was induced, from poverty, to marry the *second* son of Douglas of Lochleven, who assumed her title: And, she lived, obscurely, with her husband, in the family of his elder brother, within the ill-fated castle of Lochleven. Several years after the death of the Regent Murray, the Countess of Buchan, and her husband, endeavoured to recover the estates, of which she had been cheated. On the 7th of April 1574, the regent Morton, who was the relative of the Douglasses of Lochleven, directed a charter, from the King, to be granted to the Countess, and her husband, of the estates, and heritable offices of the Earldom of Buchan.^k But, this charter appears to have been ineffectual, at the time; and the heirs of the Earl of Murray continued to enjoy the estates, belonging to the Earldom of Buchan, though the descendants of the Countess Christian, kept up their claim; and seem to have obtained a part, either by compromise, or compulsion.^l Such clashing services to the estates of the

^k *Great Seal Reg.* xxxiv. No. 123; the *Sutherland Add. Case*, v. 63.

^l On the 7th of September 1615, Mary Douglas, the Countess of Buchan, was served heir to her grandmother, Christian, the Countess of Buchan, in the estates, and offices, which appertained to the Earldom of Buchan. *Rec. Inquis. Specialis*. On the 21st of April 1615, James, Earl of Murray, was served heir to his grandfather James Earl of Murray, in the estates, and offices, which appertained to the Earldom of Buchan. *Id.*

Earldom of Buchan evince, that those estates, and offices, were still subjects of contention, between the grandchildren of the Countess Christian, Murray's first love. From this detail we may perceive, that nothing was too low, or too high, for the swindling ambition of the good Regent; whether he bereaved a Countess of her marriage, and patrimony, or a Queen of her sceptre, her character, and her kingdom.

No. VI.—*Of the Marriage, and Family, of the Earl of Murray.*

The year 1562 was one of the happiest, in the life of this extraordinary man. On the 30th of January 1561-2, he obtained a grant of the Earldom of Murray. On the 4th of February, thereafter, he was legitimated, a second time. On the 7th of this month, he acquired a grant of the Earldom of Mar. And on the 8th of the same month of February 1561-2, being Shrove-Sunday, Murray, who was then, in the 31st year of his age, was married to Agnes Keith, the eldest daughter of William, Earl of Marischal, whom Sadler, in 1543, reported, to be a goodly young gentleman, as bearing a singular good affection to Henry VIII., and to the marriage of his son to the young Queen: And this same young gentleman was, soon after, engaged in the treasonous conspiracy of Wishart, before mentioned, which ended in the foul assassination of Cardinal Beaton.^m Such was the family into which Murray thought fit to match himself,

^m See No. I. in this *App.*

after *bilking* the Countess of Buchan. The triumph and feasting, continued several days, till the godly were all scandalized.^a The marriage was celebrated in court; and the Queen gave a splendid entertainment, for several days, which she graced, by knighting nine gentlemen of Fife.^o The Queen, said Randolph to Cecil, liketh well his wife, and his choice was preferable to that of any of his *brethren*,^p which went before him.

Of this marriage, so solemnised, and so praised, and so blamed, there was issue: 1st. Elizabeth, in 1563, who, in 1580, married James Steuart, the son of Sir James Steuart of Down, in whose right, he became Earl of Murray, with deficient titles. 2dly. Annabell, in 1564, who probably died, before March 1574-5. She is not mentioned, by any of the Peerage writers: But, her father, the Regent, on the 31st of May 1569, granted, in the King's name, to his second daughter Annabell Steuart, the

^a Knox says, "the greatness of the banquet, and the vanity thereof, offended many godly; then began the masking, which has continued, from year to year since. The marriage was solemnized in the Kirk of Edinburgh; and Knox gave them a serious admonition to behave themselves moderately, in all things." Knox, 302. Buchanan adds, that at this marriage there was such magnificent feasting, and immoderate luxury, that his friends were very much offended at it. Lord Dacre, the English Warden of the Marches, sent the Earl of Mar [Murray] a couple of very fat does, for his marriage; and by Mar's desire, Randolph requested Cecil to convey Elizabeth's thanks to Lord Dacre, for his attention. Randolph to Cecil, 21st Feb. 1561-2, in the Paper Office.

^o Pitscottie.

^p Any other of the King's bastards.

ward, and non-entries, annual rents, and possessions, which belonged to the late Edward Lord Crichton of Sanquhar, since his death, and till the entry of his heir; and also, the marriage of Robert, his son, and heir;^a 3dly. Margaret, in November 1565, who married Francis, Earl of Errol, for his second wife, and died without issue.^r 4thly. Murray's wife is said to have miscarried, on the 8th of February 1566-7, at the time of Darnley's murder: One might suppose, from such a circumstance, that she was, in the foreknowledge, as well as her husband, of this atrocious assassination.

No. VII.—*Of the several Titles to the Earldom of Murray; of the various grants solicited, by the Lord James, for this Earldom; and of the Queen's Expedition into the Northern Shires; in order to put her bastard brother in possession, notwithstanding Huntley's right.*

James, Earl of Murray, the natural son of James IV., who obtained, from his father, in June 1501, the earldom of Murray, in fee, died on the 29th of December 1544,^s without issue, though he had a child, Mary, who mar-

^a *Privy Seal Reg.* xxxviii. 58.

^r After Murray's expulsion, in October 1565, his wife was conducted to Berwick, *there to be delivered of child.* Bedford's letter to Cecil, from Hexham, 16th October 1565, in the Paper Office.

^s Smith's *Chron.* Harl. MS. 2363; and *not* on the 12th of June 1544, as the *New Peerage* has it.

ried John, the master of Buchan, and who died, without children, before his father: Thus did the earldom of Murray return to the crown, in December 1544, two years after the demise of James V., and the birth of Mary, his heiress.

Earl James left his widow, Elizabeth, the daughter of Colin, Earl of Argyle; and she held a part of the Earldom, as her dower. Soon after her husband's death, she obtained, on the 6th of February 1544-5, a lease for eleven years, of the remaining part of the earldom, which was not held by her, in dower, for which the Countess stipulated, to pay to the Queen, as had been paid, by the late earl, according to his rental; but, out of such payment, she was allowed to retain £100. a year, with various incidental perquisites, for keeping the Castle of Tarneway, the chief mansion of the earldom.¹ On the same day, Sir John Campbell of Calder, her uncle, obtained a lease, for eleven years, of Strathern, Pettie, and Brachlie, which were in the Queen's hands, by the death of the late earl; for which he was to pay what the late lord had paid, according to the earl's charter of fee-farm.² And, the Countess Elizabeth, with her uncle Sir John, soon after, obtained a grant of all the goods, which had pertained to the late earl, and were then in the Queen's hands, by escheat, or otherwise.³ In this manner, then, were disposed of the whole estates, real, and personal, of James, late Earl of Murray.

In 1546, the Countess Elizabeth married John, Earl of Sutherland: And on the 12th of June 1546, the Countess, and her husband, obtained a lease, for eleven

¹ *Privy Seal Reg.* xviii. 114. ² *Ib.* 109. ³ *Id.*

years, of the whole earldom, except what she held of it, in dower, on the same terms, as the Countess's lease of the 6th of February 1544-5.⁷ Elizabeth, Countess of Murray, and Sutherland, died, in the springtime of 1548; when that part of the earldom, which she held, in dower, devolved to the crown. The Queen-mother now interposed, in this profitable traffic; and, on the 18th of May 1548, obtained a lease, for nine years, without payment of rent, for that part of the earldom of Murray, which the late Countess Elizabeth had held in dower; and the Queen-dowager, also, obtained a grant of the rents, which John, Earl of Sutherland, then paid on his lease of the remaining parts of the earldom of Murray.⁸ On the 12th of August 1548, John, Earl of Sutherland, obtained a lease, for six years, from Whitsunday, preceding, of all those lands of the earldom of Murray, which the late Countess Elizabeth held in dower, for which he agreed to pay such rents, as were contained in the late Earl's rental. Such, then, was the complicated state of the earldom of Murray, when it was granted, as we have seen, to the Earl of Huntley, in February 1548-9. The Earl of Sutherland had one lease of a large part of the earldom, till Whitsunday 1557, and a lease of a smaller part, or the remainder, till Whitsunday 1554: And, the Queen-mother, by her grant of the 18th of May 1548, had a right to the several rents, which were payable, by the Earl of Sutherland, till Whitsunday 1557.

George, Earl of Huntley, and Chancellor of Scotland, on the 13th of February 1548-9, for his great services,

⁷ *Privy Seal Reg.* xx. 29.

⁸ *Ib.* xlii. 2.

in peace, and war, obtained, from the crown, a grant of the whole earldom of Murray, with its appurtenances, as well as the lands of Pettie, Brachlie, and Strathern,^a which had belonged to the late Earl of Murray: the whole being united, and erected into an earldom, called the Earldom of Murray, and the Castle of Tarneway to be the principal messuage; to be held of the crown, by ward, and relief, and marriage.^b After this grant, Huntley bore the titles of Earl of Huntley, and Earl of Murray; and he certainly bore those titles, when the Queen-mother obtained the regency, in April 1554. It may be of use to inquire here, briefly, what was the state of the Lord James, the bastard, at that period. Born, in 1531, a bastard, he entered the world a mere adventurer; as the law knew little of the rights of bastards. In 1538, he was appointed, by his father, Commendator of the rich Priory of St. Andrews. In July 1548, when the Queen was sent to France, for avoiding the violence, and machinations of Henry VIII., the youthful Commendator went with her, “to the sculis, and study.” He seems not to have remained long, at the *sculis* of France; as in the Council of the Scotican Church, which sat, at Edinburgh, in November, he appeared, and sat, as

^a Those lands, as we have seen, were held, by Sir John Campbell, by a lease, which would expire, in February 1555-6: On the 8th of September 1552, Alexander, Lord Gordon, Huntley's heir, obtained a grant of the same lands, so held, by Sir John Campbell. *Ib.* xxv. 10. Lord Gordon died, before August 1553, without issue; and was succeeded by his brother, George, Lord Gordon.

^b *Privy Seal Reg.* xxii. 86; and see the charter, in Gordon's *Hist. of the Gordons*, *App.* xx.

"*Jacobus Prioratus Ecclesiæ Primatialis, S. Andreae Commendatorius.*"^c

He soon after employed, his usual enterprise, in a very different affair. In January 1549-50, he entered into a contract of marriage with Christian, the heiress of the earldom of Buchan: But, instead of fulfilling this contract, he cheated the lady out of her marriage, and the estates belonging to her dignity. This shows how early the Commendator had formed designs, to acquire estates, in the North, by whatever means. In 1550, he formed his corrupt connexions with England; by receiving money, from Edward the Sixth's ministers, as he then went to France, and as he returned. The Commendator soon after obtained, in France, owing to whatever interest, the rich Priory of Mascou, *in commendam*.^d We have now seen how Huntley, and the Commendator, severally, acted, during the disastrous times of Mary's minority.

Though Huntley had contributed, greatly, by his influence, to obtain the regency, for the Queen-mother;

^c Sir David Dalrymple's *Councils*, p. 29: As the Commendator was born, in 1531, he was now scarcely 18: For reformation of an illiterate clergy, the Council passed *fifty-seven* canons: What part our Commendator acted, appears not.

^d Goodall, i. 153: Pope Paul's Dispensation, for this, was dated the 7th of January 1555-6, which evinces, that our Commendator had obtained it, some time before: He owed this addition to his income, probably, to the recommendation, and influence, of the Queen-mother, who had for some time used the corrupt means, to obtain the regency of Scotland, in the room of Arran, the Governor.

yet, did she treat him, severely, owing to whatever cause.^e In June 1554, an ordinance was passed by the Queen-regent, in her Privy Council; directing Huntley and Argyle, severally, to raise an army, to carry fire and sword into the country of Clanranald, of Donald Goram, and of McLeod of the Lewis. To destroy a whole people, by fire, and sword, was not very agreeable, nor an easy service, though such a process was not unusual in Scottish policy. On the 10th of October 1554, Huntley came before the Regent, in council, to give an account of his conduct: When, after probation, and reasoning, it was declared, that he had failed; and ought to be punished, at the Queen's pleasure:^f This punishment was somewhat expiated, perhaps, by Huntley's resignation of the earldom of Murray.

It is certain, however, that a Commission was granted, on the 2d of July 1555, to John, Earl of Sutherland; constituting him the Queen's *Baillie* of her earldom of

^e Her enmity may have arisen, from this circumstance: She held a temporary grant of the rents of the Earldom of Murray, at the time, when Huntley obtained a grant of the whole Earldom, in fee. This circumstance was altogether unknown to the Scottish historians. The historian of the Gordons intimates, that Mons. D'Oysel insinuated to the Queen-regent, that Huntley's power was too great, and advised her, to diminish his authority. It is quite certain, that she extorted, from Huntley, a resignation of the earldom of Murray; as Gordon of Straloch intimates, in his account of Murray, in Blaeu's *Atlas*, 126. Lesley, and Buchanan, give very different accounts of the punishment of Huntley, by the Regent-queen: But, neither of them is quite accurate.

^f Keith, *App.* 70.

Murray, and lordship of Abernethy, during the three following years :^{*} This Commission expired, in July 1558. But, the Regent-queen, by her imprudence, lost the influence, and support, of Huntley, during the revolutionary years 1557, and 1558 : And thus, did the Regent, and Huntley, lose authority, and consequence ; while the Commendator gained both, by putting himself at the head of the zealots, for change, both in religion, and in power.

The Regent saw, perhaps, her error too late. On the 28th of June 1559, she constituted the Earl of Huntley, Baillie of all the King, and Queen's lands of Braemar, Cromar, and Strathdee, in Aberdeenshire, and of Pettie, Brachlie, and Strathern, in Inverness-shire, during the *five* subsequent years, with the usual power of jurisdiction, and management ; the rents, and duties, to be accounted for, to the King, and Queen.^h The Regent-queen, as she was pressed upon, by the Commendator, and his reformers, endeavoured to regain Huntley : But, the Queen, and Huntley, had now both lost authority ; since a new power had arisen, in the state ; and, perhaps, he had lost heart, and hope, from the mutability of her conduct. Yet, is it certain, that a lease was granted to Huntley, and his wife, Elizabeth Keith, and their heirs, and assigns, on the 31st of July 1559, during *five* years, from Whitsunday preceding, of the lands, fishings, revenues of the earldom of Murray, and lordship of Abernethy, with the appertenances, together with the keeping of the Castle of Tarneway ; they paying yearly into the Exchequer 2,500 marks Scots.ⁱ We may thus see what

^{*} *Privy Seal Reg.* xxvii. 119. ^h *Ib.* xxix. 79.

ⁱ *Ib.* 86.

an interest Huntley, and his wife, had, in the earldom of Murray, till Whitsunday 1564: And, we may remember, that the Commendator solicited, and obtained, from the Queen, in January 1561-2, a grant of the earldom of Murray, which clashed, extremely, with Huntley's right. On this simple state of the facts, we may, easily, perceive, that the Commendator commenced an attack on the Earl; and not the Earl on the Commendator.

But, let us examine this interesting subject a little more minutely. The Commendator being one of the Commissioners, who went to France, in February 1557-8, to witness the Queen's marriage with the Dauphin, seized that joyous occasion, to solicit his sovereign, for the earldom of Murray: But, the Queen, being apprized, by the Regent-mother, of his purpose, exhorted him to continue, in the sacred office, to which his father had destined him; and withall gave him hopes of church preferment, both in Scotland, and in France. The Commendator, for the present, submitted; but, never forgave the Queen-regent, for his disappointment: And he urged the reformers, with more energy, to establish, by force, and fraud, what they could not obtain, by solicitation, and favour:^k Hence, the tumults, and warfare, at home, and the association with Elizabeth, till they proceeded the full length of displacing the Regent-queen, and of assuming the whole authority, and powers, of the sovereign Queen. The appointment of the Regent, as it had been settled, by the Estates, was thus pushed aside, by domestick faction, and foreign intrigue: The Regent-queen died on the 10th of June 1560, which left Francis, and Mary,

^k Lesley's *Hist.* 533.

without any government, in Scotland: And, what they lost, in power, and influence, was readily found, by the Lord James, and his faction.

The demise of Francis II. on the 5th of December 1560, was attended with the greatest effects, in Scotland. All parties courted the Queen, after it was understood, that she was about to return to her native kingdom. The Lord James, with the apparent powers of a Convention, which had met at Edinburgh, again repaired to France, to wait upon the Queen; avowing to her, that he had not any power, from any parties; as he had come merely to offer his duty, and services: He now, however, solicited the restoration of his French pensions, which had been sequestered, on account of his rebellious conduct: And, he again asked, for the earldom of Murray, which, she declined, for the present, rather, than denied altogether; giving hopes of success, on her return to her kingdom, and the re-establishment of her government.¹

The Queen, whatever obstructions were opposed to her return, arrived, at Edinburgh, on the 19th of August 1561: And whatever warnings she may have had, she put herself, and her government, into the hands of the Commendator, as her minion, and his associates, as her

¹ *Ib.* Every thing, on such an occasion, is important: The Commendator departed on the 18th of March 1560-1, from Edinburgh to France; taking his road, through England; he saw the Queen, at St. Dizier, on the 15th of April; and he set out from Paris, on his return, on the 5th of May, through London, when, and where, he gave it, as his opinion, to Cecil, that the Queen's passage ought to be obstructed.

ministers; though both the minion, and the Secretary, had advised Elizabeth, and Cecil, to intercept her passage. She could not act otherwise, without embroiling herself, with the Lord James, and his all-powerful faction, and incurring the open enmity of Elizabeth. She gave up her mind, so completely, to her minion, that she could deny him nothing: And hence, the absurd grants, which he asked, and she conceded: Such was the grant of the earldom of Murray, to the Commendator, under the Privy Seal, on the 30th of January 1561-2.^m Suppo-

^m *Privy Seal Reg.* xxxi. 45-6. This grant, under the Privy Seal, was only an inchoate title; to make a complete right required a grant, under the Great Seal: But, Huntley then had the custody of the Great Seal. There is an intricacy, in the grants of the family of Murray, says Lord Hailes, which will require some pains to unravel. On the 30th of January 1561-2, there was a grant to the Lord James, under the Privy Seal, as we have seen above. On the 7th of February 1561-2, the Lord James obtained a grant, under the Privy Seal, of the earldom of Mar, and to his heirs male. *Id.* of that date. This grant he soon after resigned: *retaining, however, some of the lands belonging to the earldom of Mar.* On the 22d of January 1563, he obtained another grant of the earldom of Murray, and to his heirs male. On the 1st of June 1566, on his own resignation, he obtained another grant of the earldom of Murray, to him and his wife, and their issue. In April 1567, the Earl obtained a ratification from the Parliament, of the grant of January 1563, and to his heirs male; which Act of Parliament took no notice of the intermediate charter, 1566. [*Acta Parl.*] Why he should relinquish the charter 1566, is impossible to determine, says Lord Hailes, who did not advert, that the Earl

sing the Commendator's title to have been, as complete, as it was incomplete, what was the operation of law upon it? The Earl of Murray would have now stood, as to Huntley, in the place of the crown; and Huntley would have been let down, to be the tenant to the Earl, and would have owed his rent to him, instead of the Queen: And nothing more would have remained, suppose the change to have been, legally, effected, but to have given notice to Huntley, that he must acknowledge the Earl, as his lord, to whom he must, yearly, pay his stipulated rent.^a In common life, such solicitations, both publicly,

had gone off to France, and left his political interests in the care of Morton, and Maitland, who, perhaps, did not know any thing of the charter 1566, which certainly was larger, than that ratified by the Parliament of April 1567, which ratified so many titles.

^a It is impossible to conceive, that the Queen was acquainted with the complicated rights of Huntley, and his wife, on the earldom of Murray, at the epoch of her grant to the Commendator, on the 30th of January 1561-2: But, the Commendator was, perfectly, aware of Huntley's pretensions: So secretly was that grant, under the Privy Seal, kept, that Randolph, the English ambassador, and associate, of the Earl of Murray, did not know any thing of it, till the Commendator took possession of the mansion-house of Tarneway, in September 1562; and even then, the date of the grant was concealed from him. This appears, from his dispatch to Cecil, dated the 13th of September 1562, in the Paper Office. But, the late Lord Hailes, when he wrote the Countess of Sutherland's *additional case*, which was made publick, in 1770, might have shown to Dr. Robertson the several *title-deeds* of the Regent Murray, which were, accord-

and secretly, by one gentleman against the interests of another, would be deemed a personal affront: In this case, the conduct of the Commendator, is a proof of his designs on Huntley's rights, whatever they were.

Robertson, indeed, could not comprehend what object the Lord James, and Commendator of St. Andrews, could gain, by the ruin of Huntley, and his family: The following detail would have instructed the historian, both as to the minion's object, and his gains, by his guilty expedition into the northern shires: 1. Lord James obtained possession of the earldom of Murray, and lordship of Abernethy, with the sheriffship of the county of Elgin, and Forres, and the Queen's *firms*, or revenues of the boroughs of Elgin, and Forres; and also the lands, and lordship, of Strathern, Pettie, and Brachlie, &c.

2. He obtained the sheriffship of the extensive county of Inverness, which then comprehended Inverness, Ross, Sutherland, and Caithness; with the custody of the castle of Inverness, and the various lands attached to it; all which belonged, heretably, to Lord Gordon, Huntley's heir.

3. He acquired the lands of *Strathnairn*, and Cardell, which, by the Queen's mandate, were transferred to Murray, by James Ogilvie, when he obtained the lands of Finlater, and Deskford, on the forfeiture, and death, of Sir John Gordon.

4. He acquired a lease of the extensive lordship of Badenoch, on the forfeiture of Huntley.

ing to Lord Hailes, *ambiguous*, and *intricate*: But, ambiguity, and intricacy, are sure marks of design, and fraudulence!

5. He obtained a grant of the wardship of the estate of Culloiden, which was held by Huntley.

6. He gained complete command of the north, which had been long enjoyed by Huntley.

7. His three bastard brothers acquired the chief estates of Huntley, in Banff, and Aberdeenshires, with the whole earldom of Sutherland ; all which, except Sutherland, were entailed on Murray ; failing the lawful heirs of the several grantees.*

Add to all those specifications of benefits to Murray, by the ruin of Huntley, what Randolph wrote to Cecil, from Aberdeen, on the 24th of September 1562: " It may please your honour to know, that the Queen hath given the earldom of Murray, (which was once Earl Thomas Randolph's) to the Earl of Marre: It is both more honourable, and greater in profit, than the other: He is now no more Marre, but Murray." Randolph, in his letter to Cecil of the 30th of September, subjoins: " The Earl of Murray will do much good in this country: His power of men is great, and the revenue esteemed to a thousand marks, by the year. The

* To the injustice of the Earl of Sutherland's forfeiture was added, the insult of granting his earldom to his wife's bastard son, [Robert Steuart, jun. a bastard of James V., by Eleanor, the sister of the Earl of Lennox,] while the Earl had, by his wife, several legitimate children, who were thus left destitute; except the eldest, who was then under fourteen years of age, to whom were given some lands, in the barony of Aboyne, which his father had held of Huntley; and which did not belong to the earldom of Sutherland, *Privy Seal Reg.* xxxii. 51. of the 6th of March 1563-4.

“ countrie is pleasant ; the place called *Ternawage* very
 “ ruinous, saving the house, very fair, and large, builded
 “ like many, that I have seen, in England. The last Earl
 “ was King James Vth’s bastard brother, well beloved,
 “ and well spoken of, in those parts : Since that time, the
 “ whole countrie hath been under the government of
 “ the Earl of Huntley ; and now being given away,
 “ from him, hath lost great commodity, which maketh
 “ him the more offended.” [The original letters of Randolph to Cecil are in the Paper Office.]

These grants, indeed, to Murray’s bastard brothers, and his own lease of Badenoch, fell upon the restoration of the Earls of Huntley, and Sutherland, some years after : But, Murray retained all the other estates, and offices, except the wardship of Culloden, that was restored to Huntley’s heir, when Murray went into rebellion.

That there was a plot of Murray against Huntley, for his ruin, is now quite plain : Of any plot against Murray, much less any disloyalty to the Queen, there is not the least evidence. The letters of Randolph to Cecil are filled with the lies, and misrepresentations, of Maitland, and Murray : But, Randolph, has this passage, in his letter of the 18th of September 1562, from Spynie :
 “ At the Queen’s coming northward, passing within four
 “ miles of Huntley’s house, after that he [Huntley] could,
 “ by no entreatie, cause her Grace to come into his
 “ house, he desired her to give leave unto my Lord of
 “ Argyle, to bring me thither, where we were two nights :
 “ His house is fair, and best furnished of any house, that
 “ I have seen in this country : His cheer is mervellous
 “ great : His mind, then, such as it appeared to us, as
 “ ought to be, in any subject to his sovereign.” [In the

Paper Office, unpublished.] It is a remarkable fact, that in the attainder of George, Earl of Huntley, after his death, it is not so much as pretended, that he had done, or imagined, any treason, before the 28th of August 1562, when Murray, and his faction, forced him into rebellion against his will: This implies, that they had no charge against Huntley, or his friends, before the 28th of August 1562. The rescinding act, 1567, is the best proof of their innocence.

No. VIII.—*How far the Earl of Murray attempted to obtain from the Queen an Entail of the Crown, in favour of Certain Persons of the Name of Steuart.*

(1.) At the Parliament holden, on the 13th of March 1542-3, the three Estates, declared James, Earl of Arran, the nearest to succeed to the crown, failing the Queen, and her issue.[†]

(2.) After the ruin of Huntley, the forfeiture of Sutherland, and the expulsion of Bothwell, the Earl of Murray urged the Queen to entail the crown on the name of Steuart, and to place himself the first in the entail: But, she declined to violate the settlement, which had been made, on the lawful heirs.[‡] This fact, then, seems to be incontrovertible.

[†] *Epistolæ Regum Scotorum, App. v-vi.; Acta Parl.*

[‡] The convention of seven earls, twelve lords, eight bishops, and eight abbots, which met, at Dunbarton, on the 12th of September 1568, are express upon the point. [Goodall, ii. 358.] Bishop Lesley's *Defence*, of 1569, p. 36, is also positive, that the Earl laboured to induce the Queen, "to entail the

(3.) It is said, that this entail was intended to be made upon four persons of *the Stuart name*; of whom the Earl of Murray was to be *the first*: It is more than probable, that the other three persons, who were in his intention, were his three bastard brothers; John, Lord Darnley, and Commendator of Coldingham; Robert, Commendator of Holyrood; and Robert Steuart, jun. the son of James V., by Eleanor Steuart, the sister of the Earl of Lennox, and the Countess of Errol, and Sutherland.

(4.) It is remarkable, that in all the grants, which were made to the Queen's bastard brothers, of the forfeited estates of the Earl of Huntley, and his sons, those estates were entailed on all the four brothers, in succession; the Earl of Murray being the first person, in the grants to himself, and the second person, next to the grantee, in the grants to the other three brothers:—

The grant, on the 6th of May 1563, of the sheriffship of Inverness, and of the custody of the castle of Inverness, with various lands thereto attached, was made to the Earl of Murray; whom failing, to his brothers John, Robert, and Robert, in succession:—

The grant of confirmation, on the 6th of May, of the lands of Cardell, and Straithnairn, was made to the Earl of Murray; whom failing, to his three brothers, in succession:—

The grant of confirmation, of the 6th of May 1563,

“crown upon himself, though he were illegitimate, and incapable thereof.” [Goodall, i. 199. *Dalyel's Introd. to the Scot. Poems*, 68-9.] He had been twice legitimated, by the Queen.

¹ *Privy Seal Reg.* xxxi. 74-5.

which was made of Cardell, and Strathern, was, to the Earl of Murray, and his heirs male; whom failing, to his three brothers, in succession.

The grant, on the 4th of June 1563, was made to John Lord Darnley, and his heirs male, of the lordship of Enzie, and forest of Boyne; whom failing, to the Earl of Murray, and his two other bastard brothers :^a—

The grant, on the 22d of June 1563, of various lands in Banffshire, was made to John, Lord Darnley, and his heirs male; whom failing, the property was entailed on the Earl of Murray, &c. :^t—

The grant, on the 16th of June, was made to Robert, Commendator of Holyrood-house, and his heirs male, whom failing, it was entailed on the Earl of Murray, &c. :^u—

When John, Lord Darnley, died in autumn 1563, his estates were granted to his son, and his heirs male, on the 6th of March 1563-4; whom failing, they were to result to the Earl of Murray, &c. :^x—

When the lordship of Darnley was restored to the Earl of Lennox, in December 1564, Huntley's lordship of Badepoch was granted, in lieu of it; and entailed, in the same manner, on the Earl of Murray.^y

From all those records, we may now perceive, that the ambition of Murray was unbounded; the crown was not too high, nor those obscure lordships too low, for the mighty grasp of his ambitious cupidity.

^a *Ib.* 105-6.

^t *Ib.* 130.

^u *Ib.* 117.

^x *Ib.* xxx. 72.

^y *Ib.* 121.

No. IX.—*An Investigation of what the Earl of Murray had acquired, before he went into Rebellion, on account of the Queen's Marriage, on the 29th of July 1565.*

As the King's bastard, he entered the world, without property, or rights; but with some pretensions: Born in 1531, he had acquired, by fraud, and force, before he was thirty-four years of age, the following preferments, and estates: 1. The priory of St. Andrews, the richest, in Scotland, which had been given him, *in commendam*, by his father, in 1538.

2. The priory of Pittenweem, which was conferred on him, by the Queen-regent, in 1555.

3. The earldom of Murray, and lordship of Abernethy, and also Strathern, Pettie, and Brachlie, of all which he obtained a grant, from the Queen, on the 30th of January 1561-2; and acquired possession thereof, in September 1562, by his artifices, and crimes.

4. He held the castle of Inverness, with various lands, which were attached to it; and the sheriffship of the extensive county of Inverness; comprehending Ross, Sutherland, and Cathness; all which he obtained, from the Queen, upon the illegal forfeiture of the Lord Gordon, who held the whole, *heretably*.

5. The lands of Strathern, and Cardel, which by the Queen's mandate, were transferred to him, by James Ogilvie, who obtained the lands of Findlater, and Deskford, on the forfeiture of Sir John Gordon.

6. The estates, and jurisdictions, of the earldom of Buchan, of which he deprived the heiress, by the unworthy means of illegal grants, which he obtained, by

charter, under the great seal, when he acted, as the Queen's minion.

7. The extensive lordship of Braemar, Cromar, and Strathdee, of which he obtained a grant, from the Queen, in fee-firm, in December 1564 ; but, in disherison of the family of Erskine.

8. He had also a lease of the lordship of Badenoch, and the wardship of Culloden, which he lost, by his rebellion ; when all these were restored to Huntley.

Enjoying all those vast possessions, with remainder entail of many others, the Earl of Murray was the richest, and most powerful subject, in Scotland, by means of the Queen's imprudent bounty, and his own gross rapacity ; all which his ambition threw upon the cast of his rebellion.

It does not appear, that Murray was deprived of that vast property, by his rebellion ; and he was reinstated in possession of the whole, by the Queen's pardon, on the 21st of March 1565-6: The assassination of Rizzio, whereby, he was restored, in fact, happened, on the 9th day of the same month of March.

Though he was thus restored to his vast possessions, by the liberality of his sister, and Queen : Yet, owing to the parsimonious supplies of Elizabeth, the protector of his ambition, he was, by his rebellion, involved, in pecuniary distresses, which hung upon him, who courted the attachment of many dependants, during his life, notwithstanding his great resources, from the priories of St. Andrews, and Pittenweem. *Privy Seal Reg.* xxxv. xxxvi. and xxxvii.

On the 31st of January 1566-7, only *ten days before* the murder of Darnley, Murray obtained a fresh grant,

from the King, and Queen; stating that Murray having, *in their majesties' service*, super-expended his rents, and patrimony, and incurred debts, was forced to set the lands of the priories of St. Andrews, and Pittenweem, in feu [ground-rent,] and the kirks, teinds, and teind-sheaves thereof, in lease for nineteen years; receiving *grassums* [fines] for the same, which *feus*, and leases, their majesties have already confirmed, or are to confirm: They, therefore, ordain, that all feus, and leases, made, or to be made, by him, as Commendator of the lands, kirks, teinds, and teind-sheaves, belonging to the said abbeys, shall be as solid, and good, to the persons, receiving the same, as if they had been leased to the uttermost avail of the rental. [*Privy Seal Reg.* xxxvi. 1.] The statement, in the preamble of this grant, that he had incurred his debts, *in their majesties' service*, is very remarkable; but, the real fact could not be openly avowed, that he had incurred so many debts, by a rebellion against their majesties. While Murray had the direction of the Queen's affairs, he not only obtained grants of vast possessions, for himself; but also provided, for his numerous adherents, by offices, pensions, and grants of the casualties to the crown belonging. After he went into rebellion, he was obliged to reward his many dependants, from the revenues, and lands, of his two priories; as hath been shown above. [See the *Privy Seal Reg.* xxxv. and xxxvi.]

We have thus seen what vast estates he obtained, while he was the Queen's minion. It is now proper to inquire, what acquisitions he made, *after* he dethroned the Queen, and became Regent, for her son.

The same faction, which dethroned the Queen, made

an act of their council, on the 21st of July 1567; prohibiting the payment of rents, duties, or other income to Patrick Hepburn, the bishop of Murray, and abbot of Scone; as he had received into his house his relation, the Earl of Bothwell.^a The bishop, under such circumstances, was induced to grant to the Regent Murray, his heirs, and assigns, the whole lands, ports, fishings, with the pertinents, which belonged to the bishoprick of Murray, to be held, in fee-firm: And this grant was confirmed, by a charter, on the 1st of October 1569.^a The bishop made another grant to the Regent, and *his heirs male*, of the office of baillie, and justiciary, of the regality, and lordship of Spynie, which belonged to his bishoprick, with the custody of the castle of Spynie, the lake, and wood of Spynie, with the cunninggares, gardens, orchards, and the pertinents, lying about the castle, and also of 200*l.* annually, received out of the rents of the regality of Spynie. This grant was also confirmed, by a charter, on the 16th of December 1569.^b The first of those grants deprived the bishoprick of its lands, and fishings; and the second would have denuded it of the castle, and its jurisdictions, and pertinents; if the Regent had not soon after died, without heirs *male*.

The abbey of Kelso had been conferred, by the Queen, on her infant nephew, Francis Steuart, in lieu of the priory of Coldingham, which his father had held. In

^a Why; the Earl of Murray, two days, only, before he set out, for France, entertained Bothwell, to meet Elizabeth's envoy, Kyllgrew, at dinner, *after* he had been charged with the King's murder.

^a *Privy Seal Reg.* xxxviii. 86.

^b *Ib.* 106.

1569, the Regent Murray obtained, from this boy, his nephew, and William Lumisden, the rector of Cleish, his administrator, during his nonage, a grant to him, and his heirs male, in fee-firm, of the whole estates of the abbey of Kelso; comprehending the town of Kelso, and many lands, mills, fishings, and other property, in the four shires of Roxburgh, and Berwick, Dumfries, and Peebles: This grant was confirmed, by a charter under the great seal, on the 10th of December 1569.^c This opulent grant was, also, disappointed, by his sudden death, without male heirs. So endless, and exorbitant are the desires of men, that they will grasp at all, and can form no scheme of perfect happiness, with less: The ambition of Murray was, unbounded; his voraciousness was insatiable; and his success, both publick, and private, went even beyond his hopes. We have said nothing of the 5000*l.* sterling, which he received of Elizabeth, as his wages, for calumniating his sister, and benefactress, nor of the ecclesiastical revenues, which he enjoyed, in

• France.

No. X.—*How far Sir William Stewart, the Lion-king-at-arms, was guilty of imagining the Death of the Regent Murray.*

This seems to be a subject, at once interesting, and obscure, which may be somewhat illustrated, but not altogether cleared. He appears to have been an officer, who was regularly bred, in the college of arms. As Albany herald, he was sent, by the Regent, on the 29th

^c B. 106.

of September 1567, on the King's affairs into Norway, Denmark, and Flanders:^d He was probably sent, to give and receive, notices, in those countries, about Bothwell. Whatever his business were, he seems to have given satisfaction; as he was soon promoted.

On the 20th of February 1567-8, William Steuart, Ross-herald, received a commission; constituting him lion-king-at-arms, in the room of Sir Robert Forman.^e On the 22d of the same month, he was inaugurated, in the kirk, after sermon, in the forenoon, in presence of the Regent, and nobility.^f On the 2d of August 1568, Sir William Steuart, the lion-king, was sent, from Edinburgh to Dunbarton-castle; being suspected of a conspiracy against the Regent's life.^g On the 19th of August 1568, Sir William Steuart, wrote, from Dunbarton, the following letter,^h in justification of his own innocence. Here he remained a twelvemonth, while Murray was in England; but, he was removed to St. Andrews, in August 1569; where he was tried, and convicted, and executed, not for imagining the death of the Regent, but for witchcraft, and necromancy.ⁱ

^d He received of the Treasurer, 140 crowns at 33s. a piece, or 231l., for his expenses; as appears by the publick accounts. On the 9th of June 1568, Sir William Steuart received, by the Regent's orders, for expenses, disbursed by him, in the King's affairs, in Denmark, 94l. [*Id.*]

^e *Privy Seal Reg.* xxxvii. 45.

^f *Birrel's Diary*, 14.

^g *Ib.* 17.

^h *Cot. Lib. Calig. B.* ix. fol. 272.

ⁱ *Hist. of K. James*, 48-66. He was put to death, in August 1569: There is the note of a letter, to this effect, from Lord Hunsdon to Secretary Cecil, dated, at Berwick, on the 30th of August 1569; saying, "Paris was put to

On the 22d of August 1568, Sir David Lindsay, the younger, was inaugurated, as Lion King, in the room of Sir William Stewart. On the 13th of September 1569 however, a grant was issued to Dorothy Crunsie, the relict of the late William Stewart, Lion King, of the escheat of all his property, which fell to the King, by the said William being convicted, and put to death, for *witchcraft* and *necromancy*.^k He was put to death, then, without being convicted of any offence. He had, however, Lord Fleming, for his lord, and master, which was no doubt, a crime, in the Regent's contemplation. Though he never conspired, nor consented to the Earl of Murray's death; yet, he spoke of his faction, as monstrous, and treasonous. It is upon the whole apparent, that he fell under the axe of a tyranny, which put him to death, not for what he had done, but for what he wished to do. His widow was, probably, protected, by Secretary Maitland, who, perhaps, owed something to the husband, which he now repaid to the widow.

death a fortnight since ; and so was Stewart, who was King of Heralds, who had determined, to kill the Regent : but, he was forgiven, for that, and was burnt, for conjuration, and witchcraft." Laing's *Dissert. App.* 269. In other words, the prosecutors had no evidence against the Lion King ; and therefore, they charged him with an imaginary crime, for which he was burnt.

^k *Privy Seal Reg.* vol. xxxviii. fol. 76.

SIR WILLIAM STEWART'S LETTER, from the Cotton
Library, *Cal. B. ix. 272*, follows :

My Lord, I dowl not bot the writing send be yow to my gud lord and maister my Lord Flemyng was be the instigation of sum wthir, for I can not think that ye can be sa ingrait as to seik my innocent lyf and bluid considering that I have sa favorablye and sa oft foirwarned yow of the gret miserie that ye ar lyk to fall in now for not following my consell and admonitions maid oft and in dew tyme. Desist I pray yow to seik farder my bluid, for as I sell anser to the eternall God I newir conspyrit nor consentit to the Erle of Mirrayes dethe. And giff ye will persist remember of Isopes taill of the Lyoun and the Mouse and turne it wpsyd down. I feir yow not, nor nane of that moustrūs factioun, for as God is the defender of innocentes, sa is he the just and seweir punisher of cruell monsters and tressonable tiranes and wsurpers quha spaires not to execut al kynd of cruelte wnder the pretext of religioun and justice: For, to accomplisse and performe the wnnaturell ingrait and ambitiū disseints [designs] I am innocentle persecutid accusit and detractit: Bot, ther be sum of his awin secreit consell that baith directle and indirectle have socht that bluidy wsurpars lyf quhom I sell name as occasioun sell serve. Be therfoir I pray yow rather ane protectour than ane persecutour of my innocent lyf and advertise me giff it be your gud plesir quhat ar the crymes quherof thai accuiss me, and quhat may mowe thaim thus ernstlie to seek the lyf of sa semple ane creatour quha never to this hour offendit small nor gret, in honour lyf land nor gudes. I pray yow be favourable to the persoun of Kenmore, and

with sic as have mellit with my apparell, bowes, and buiks to keip all weill, till meeting quhilk will be sone God willing, quhom I beseik to keip yow ewin as ye wald I war preservit. From Dumbarten the 19 August 1568.

be your as occasoun sel be offred,

WILLIAM STEWART.

No. XI.

In Secretary Cecil's letter of the 26th of June 1567, to the Ambassador Norris, at Paris, Mr. *Robert Stewart* was, emphatically, mentioned, as a person who, might be made privy to Murray's affairs. [*Cabala*, 128.] And a question, naturally, arose, who, or what, was Mr. Robert Stewart, at Paris.

There is an original letter, in the Cotton Library, *Calig. C. i. f. 122*, from Mr. James Gordon, at Paris, 7th July 1568, to the Regent Murray, which explains this point: He says, that *Robert Stewart*, the Regent's "maist faithful cusing, and serviteur," sent him a packet of letters, from *Noyerris* [Norris, Q. Elizabeth's Ambassador, in France] to be sent to the Regent, by a sure bearer, and which, he has delivered to Captain Cogbrun, whose fidelity and affection to the Regent's service is sufficiently known. Being requested by *Robert Stewart* to send the Regent any intelligence, that he could procure, he informs him that, "he learnt from a person of credit, that Queen Mary's deliverance out of England is bought, and sauld: the means is sent out of France to the Duke of Albe, who causes the Spanish Ambassador, in England, practise with the lords of England, who have

taken in hand, to deliver her ; but, who those lords were he did not learn."

This document throws some additional light upon the Steuarts, who performed such infamous deeds, in France, during that age. This *Robert*, I am persuaded, though Henault calls him *James*, was the same person who pistoled the Constable Montmorency, at the battle of St. Denys ; and who, being taken at the battle of Jarnac, in March 1569, was put to death, says Henault, for the murder of Montmorency. We hear no more of this *Robert* Steuart : But, we have seen enough to perceive, that Cecil, and Murray, kept such infamous men, at Paris, for such villanous actions.

No. XII.

At the epoch of the Queen's escape from Lochleven-castle, and repair to Hamilton, on the 4th of May 1567, Doctor Mackenzie, in the Life of Mary, says: "Neither was the press idle ; many *satires* being published, by both parties against one another ; but particularly, there was one poem, that made a great noise, entitled, ' The double dealings of the Rebels in Scotland ;' wherein the whole life, and villainies of Murray were laid open ; but who the author was, could not be discovered." The satire itself, he adds, is to be found among Mr. Crawford's collections [in the Advocate's Library, at Edinburgh] ; but copied, by him, from a transcript, in the Cotton Library, *Calig. C. i. f. 271*. If it ever were printed, I doubt : If it were, it should seem to me, to have escaped the avidity of the collectors ; the then ruling powers having destroyed every copy.

It is now laid before the publick, from the above mentioned copy, in the Cotton Library. It is full of historical, and useful truths ; and we ought not to be surprised that it should have made a great impression, when it appeared, whether in manuscript, or in print.

A RYME, in *Defence of the Q of Scots*, against the Earl of Murray. [ix Decemb. 1568.]

Tom Trouth to the Envious.

If *Momus* children seke to knowe my name, and where I dwell ;
I am TOM TROUTH, and my abode I list not it to tell ;
For wise men loue not to enquire who, where, but what is said ;
And holde themselues therewith content till further proufe be made.

The double Dealinge of the Rebels, in Scotland.

If tongue could tell, or pen could write, the craftie cloaked case,
Or yet the treasons to recyte of this newe Regents grace ;¹
Then *Tullie's* stile, or *Virgil's* verse, of God sure would I craue,
His shameles acts here to rehearse, as he deserves to have ;
But that were farre aboue my reach, and more than well could be,
Sith he all others doeth excell in craft and crueltye :
Yet can I not with silence passe his vices strange and rare,
But that I must set furth the same, the truthe least I should spare.
And nowe since that it is my luck, unfittest though I be,
This *Caco's* offspring to advance, as semes to his decree ;
I pray you take it in good parte, whats'euer I shall saye,
In setting furth his shameles acts, whose shame shall not decaye ;
Yet can I not set furth the same, nor in suchwise expresse,
As fittest were for one past shame, and past all godliness.
This traytour tyrant of our tyme, this Sathan's seed, I meane,
This rebell Regent, that his prince to mate² doeth not disdaine ;
This perfect patterne of deceit, whose high and haughtye minde
Is pufte so full of pride, that hard it were, the like to finde :
This sinfull seed of lothsome life, this basterd past all grace,
At³ *Glocester*, that traytour vile, a perfect paterne chase :

¹ He received that high office, in August 1567.

² To crush. Shakspeare.

³ Of.

Who, to obteyne that kingly seate of this most worthy land,
 His brothers sonnes, his nephewes dere, to guyde they toke in hand :
 The lambes, alas ! unto the wolfe, to guyde committed were ;
 Who murdered them, to haue their place, as storyes well declare :
 But, shall I say, this traytour now, at him did learne his lore ;
 Who doeth surpasse his wilie wit a thousand folde and more.
 A scholler sure, of pregnant wit, and apt for such a place,
 Who trayned up was in the schole of lyeing *Sathan's* grace ;
 Where he hath learnd a finer feate than *Richard* earst did see ;
 To doe the deede, and laye the blame on them, that blameles be :
 For he, and his companions eake, agreeing all in one,
 Did kill the kinge, and laye the blame the sakelesse queene upon :
 And that this deed, to each man's sight, might seme to be most plaine ;
 They drewe her from her spouse that night, by craft and subtyll trayne ;
 And fegned that her sucking sonne was in great danger brought ;
 Wherefore, with speed, to visit him the messenger besought ;
 Which subtyll shift, so featly wrought, was cause men thought it trewe,
 That she of purpose parted thence, and of the murder knewe :
 For if that both at once had bene there murderd, at that tyme,
 Then might each babe, with half an eye, have spyed who did the cryme ;
 And this suspicion to increase, they found a newe devise,
 That *Bothwell*, chiefest murderer, was tryed by assise ;
 And found not guilty, by his peres, of whome the chiefest be,
 Such as the king's death did conspire, and knewe as well as he.
 They cleared him eke, by parliamente, O traytour false and vile,
 That they their good and vertuous queene might soner so beguyle :
 And when that he was cleared both by sise, and parlament,
 To marry then they went about to haue her to consent :
 They sayd that she, the realme, and they, should so most safest be,
 From danger of all civill strife, and outward enemy.
 Alack ! good Q., what hap hadst thou, so oft thy foes to trust,
 Couldst thou not shun these biteing beasts who then had proved unjust ?
 But, who, I pray you, was the man, they willed her to take ?
 Forsouth, the chiefest murderer, whom they most clere did make :
 And that their purpose, once begun, might come unto an end ;
 They caused traytour *Ledington* on her still to attend :
 That this false Machevilian attempt her euery waye,
 Whose poysoned words, so sugered were, that she could not say nay ;
 But did consent to their request, suspecting nothing lesse,
 Than they such false deceit to meane, and use such doublenesse ;
 But, when the wofull weding daye was finised and past,

Their boyling malice, that laye hid, in rageing sort out brast :
 For they that were of counsell both to murdering of the kinge,
 And to the mariage, gan to spread howe *Bothwell* did the thinge ;
 And howe he took away the Q. by force against her will ;
 And sought himself to raigne as kinge, and eke the prince to spill.^o
 But, (bastard,) nowe the truthe is knowne, how that thyself it was,
 That sought to spill both prince and Q., and to possess their place.
 But, when amongst the simple sort this rumour once was brought,
 It ran abrode, from place to place, more swift than can be thought ;
 So they not priuy to the sleight did think it for most sure,
 That she, to wed the murderer, the murder did procure.
 And thus, this simple Q. each way was wrapt in wo and care,
 For they that cannot skill of craft are sonest caught in snare.
 And then the traytor *Ledington*, in treason neuer slack,
 At hand for pickpurse still before began to start now back,
 And fled unto her fruyteles foes, her secrets to bewraye :
 Like will to like, the proverb saith, You know the old said sawe.
 Then *Murray* that, of longe before, this murder did devise,
 Did voyd the land, the rather so, to blinde the simples eyes :
 And then his fellow-traytors all, the more their cause to clere,
 Did rise in armes, against their Queen, as though she guilty were :
 But she, to saue the saikles blood, not willing to offend,
 Did leaue her power, and offred them, all things amisse t'amend.
 The traytors, not therewith content, did lead her thence away ;
 And changed all her braue attyre into a *frock* of grey :
 That done, they lead her furth by night unto *Lochleuen* hold ;
 And kept her there, in prison close, that no man see her could.
 Then when they had thus brought to passe their traytorous false desire ;
 They sent, with speed, to bastard *James*, and willed him to retyre :
 Who, coming home, for loue he bare the prince, as he did saye,
 Did take in hand to rule the realme, lest it fell in decay.
 Howe well this traytor loues the child, committed to his garde,
 Is plaine in that the mother dere he kept in crewel warde ;
 And caused her there, by forced fact, the present death to shunne,
 Her royal crowne for to resigne unto her tender sonne ;
 And make this minyon *Murray* eake, chiefe *Regent* of the land,
 Untill the prince of lawful age the same shall take in hand :
 Which while he would, as *Richard* did, if he might haue his will,
 His nephew younge, his sister's sonne, by secret meanes to spill :

^o To destroy.

And then he would usurpe the crowne, as next heire to the same ;
Which doeth appeare, in that he doeth his father so defame ;
And saith his mother precontract was, in most solemne wise,
Unto the kinge, before that he was maried to the *Guise* :
Although that wisemen know the truth, this sorceress how she wrought,
By rings, and witchcraft, from the Q. the king's minde to have brought.
And thus this traytor doeth debase the Q. in all he can ;
That from her grace withdrawe he might the hearts of every man.
A cowle, a cowle, for such a Greke, were fitter for to weare,
Than this *Apostat deacon* should such princely rule to beare.
But where is now true discipline, dare no man take in hand,
To teach such false Apostate monks their faults to understand ;
And make this base born deacon come home to his former state ;
From whence the *Lither Loxell* fled, least he should liue too straight.
But sure no marvell though God's rod hath plagued this noble dame,
That gaue to *monks*, should serue in church, such place of worldly fame.
Yet he not all unmindful of this ladies grateful deed,
Did purpose, with a cruell death, to quit her for her nede :
But God Almighty, in whose hands the harts of princes be,
Preserue her from this false attempt, and vile captivitye.
And when this noble prey was past this brother's bloudy might,
He rages, like a *Tiger* fell, for sorrowe and for spite :
So seeing that he could not then this noble Q. to spill ;
Upon her faithful subjects he began to work his will :
For some he cast in prison depe, no cause at all thereto ;
And some he thrust out of the realme, to work them greater woe ;
And some he put to cruell death, his rage for to fulfil :
No means he left there unattempt her subjects liues to spill :
Yet, not content, in this great rage, on men to play his part ;
In spight of God, against his Church, he gan to shewe his art ;
And pulled thence both bells and lead, with jewells many one ;
That he and his companions might more brauer therein gone.
For sure I am, that some of them, amongst this trayterous trayne,
Haue on their back more lead at once than couereth churches twayne.
So that no hardned hearte of brasse but would lament right sore ;
To see prophaneing of each place as serued God of yore.
And when he had this sacriledge comitted euery where,
On lofty towres, and castles stronge, his rage did then appere.
On *Dunbarre* first he spued his spite, a castle fayre and stronge,
And there he wrought both day and night till it was layde alonge :
Then justeth furth, and *Lochinear*, so semely to the shewe,
He spoyled them first, and sackt them then, who could more cruell doe ?

The Lard of *Scirling's* house, likewise, did fele the former chance,
 Which trayterously he did deface, his glorie to advance.
 Then *Roslin Bower*, of braue attyre, which *Saintclere* doth possesse,
 Most shamefully he ransackt so, to work him more distresse.
 Lord *Herris* lands, that baron bolde, who let ^v him of his will,
 When he was gone, throughout the same, he did both rob, and spill.
 But, what should I here longer staye eche place here to wryte,
 Sith few there are but that his rage hath now defaced quite?
 When he had wrought his wilfull wit, and had his false intent,
 To blinde the eyes of faithfull men, he called a Parliament;
 Where flockt his fellowe traytors all, both *Morton* and *McGill*,
 With *Lindsay*, *Marr*, and *Ledington*, yea *Balfour* laye not still,
 With other of this fruyteles flock, and falsely did invent,
 That all things there concluded were by full and whole consent.
 Thus sinfull *Sathan* workt his will, through these his children dere;
 But, falsehood raignes instead of right, as here it doth appere.
 Yet, have they not so slily wrought, though *Sathan* was their guide,
 But that their treason, every deale, at last is well espied:
 For they, to seme more innocent of this most haynous deed,
 Did catch four of the murderers, and put to death with speed:
 Whereby they hope to make men think herein that they were clere,
 Sith justice they did execute on some that guylty were;
 As *Hepburne*, *Dagleish*, *Powry*, too, *John Hay* made up the messe:
 Which four, when they were put to death, the treason did confesse:
 And said that *Murray*, *Morton*, too, with others of their rowte,
 Were guyltie of the murder vile, though now they loke full stoute.
 Yet some perchance do think that I speake for affection here;
 Though I would so 3000 can herein true witnes beare;
 Who present were, as well as I, at th' execution tyme,
 And heard how these, in conscience prickt, confessed who did the cryme,
 Wherefore all princes take good heed, let this for warning stand,
 And trye before you trust, I warne, lest check be nere at hand;
 But though his check it semes so sure that mate is now at hand;
 Yet may his Q. such gward procure as shall his force withstand?
 And then she may, as he began, bid check mate ther menzie^a
 And warne him, since his force is done, to yeld or els to flye.
 To yeld, I meane, from false attempt, and flye such vaine request;
 And gward himself, with reasons rule, and set his heart at rest;

^v Hindered.^a Their followers.

And spend no more his tyme in vayne, such false attempts to trye;
Least if they use them ouer oft he'll clime I feare to highe.
And thus I cease, and make an end, and wish him to beware
No more such checks and tawnts to give, least he be caught in snare.

FINIS Q^d TOM TROUTH.

The foregoing Poem gave rise to inquiries, even, at London, which evince what impressions its truths had made. In the Cotton Library, *Calig.* i. 296, may be seen the examinations of Thomas Bishop, a profligate dependent of Lennox, in March 1568-9, on this topick; he being then in the Tower of London.

“ These were, for examination of Thomas Bishop, in March 1568, touching a book wrighten against the Earl of Murray, in defence of the Scotts Q., for which he was committed to the Tower.”

[The preceding head, which is written at the top, as a kind of title, to the following examination, is in a different hand-writing, from any part of the questions, which is a draught, by *Cecil*, the greater part in his hand-writing.]

What is y^e name of y^e Bishop of Rosse's Secretary?

At what place, and tyme, and how ofte, and by how many, was report made to you of the y^e offers made to y^e Q. of Scotts's Cōmissioners of ayde frō Spayne and

How many, and what are y^e nanes of them, y^e wer to your knolledge privie thereof; and who doe you suspect, by conjecture, to be privie therto?

What tyme was y^e supper, at y^e K. heade, in Flete Strete, when xvj of y^e Innes of Court made the L. Herris a supper?

How many doe you know of these xvj ; and what are their names, and places of abode ?

[How] many copyes have you seene of y^e booke ?

Who wer they y^t made y^e book ageynst y^e Erle of Murray ; or what part did yourself make, or minister, to y^e makers ?

How many doe you know to have seene y^t book ; and in whose hand is y^t book now remayning, to your knowledge, or as you conjecture ?

- - - - - do you not know y^t Christofer Lassels^r was a medlar - - - y^t buke.

What yong lawyer was he y^t was termed Fitzw^{ms} of Grays In ?

What he knoweth of any intelligence, or conference by speche, writing, or message had, by the Quene of Scots's Commissioners, or any of the Erle of Murray's party, with any of the forayn ambassadors, or with any other strangers, since their last coming into England ?

Who were the devisers, makers, wryters, and of counsell with the booke written against the Erle of Murray ?

What conference had you with the Bishop of Rosse, and Lord Boyd, or either of them, at Burton ?

What dealing had Brēmychā of Irland w^t the B. of Roche, [Ross] or y^e rest ?

How often did you resort to y^e Bish. [Bishop] in Graciouss Streete before daylight ; and to what places went the Bishop, in y^e night tyme, to your knolledge ?

^r A gentleman of Yorkshire, who went to Carlisle, in June 1568, to see the Scottish Queen ; but, was not admitted to her presence, by Scroope and Knollys ; who ordered him to be taken into custody, and turned out of the town.

It did not require those questions, to evince how much Mr. Secretary Cecil protected the Earl of Murray, and indeed every enemy of the Scottish Queen. The topics, in the foregoing poem, as they are mostly all historically true, lead to a very different conclusion, from the inquiry of Cecil, and his coadjutors, as to the guilt of Mary, or of Murray: The inferences of the poem are all true; the conclusions of Cecil are all false.

MEMOIR VI.

Memoir of the Regent Morton.

MORTON was fourth, in the quick succession of Regents, under the minority of James VI., and was the highest, perhaps, in the scale of depravity, among the immoral statesmen, who produced, untimely, that minority, by the traitorous dethronement of the Scottish Queen. Next to Murray, Morton, both in character, and in crime, was the most important personage, during that reformed age.

Morton was the youngest son of Sir George Douglas, the Earl of Angus's brother, by Elizabeth, the heiress of David Douglas, of Pettendreich, in Murrayshire. Morton's father was forfeited, in the parliament of September 1528; and lived, as an exile, in England, till the beginning of the year 1543. This forfeiture comprehended the estates of the heiress, his wife: For, James V., on the very day of the forfeiture, granted those estates to Sir John Stirling, of Keir, with other lands, which Sir George Douglas had forfeited.* We may easily suppose his

* Regist. Mag. Sig. B. xxii. 148. From the same record we know, however, that James V., liberally, granted to

son James lived, in Murray, with his mother, who was thus provided for, under his proper name, and not, according to the historian of the Douglas's, as *James Ennis*, and as a bailif of a country-gentleman, whence he was called, popularly, James, the *grieve*.^b He was too young, for such an office, which required more knowledge of country-affairs, than he ever possessed. Of that marriage of Sir George Douglas, with the heiress of Pettendreich, there were two sons, and two daughters: the eldest son was David, who became the Earl of Angus, in 1556, on the death of his uncle: the second son was James, the subject of this Memoir, who married Elizabeth, the youngest of the three daughters of James, Earl of Morton, in the beginning of 1543: In pursuance of this marriage, and a settlement thereon, the husband of Elizabeth, became Earl of Morton, on the death of his father-in-law, in 1553.^c

Elizabeth Douglas, and to *James Douglas*, her son, one-third of Pettendreich, and other lands, in Elginshire. *Ib.* B. xxv. 256. The date of this grant was February 2, 1535-6, when her son, James, was about fifteen, or sixteen years of age.

^b Godscroft.

^c Godscroft's Hist. of the Douglasses, 279; speaking of James Douglas [Morton], at the battle of Pinkie, in September 1547, says, he was then about twenty-seven years of age: James [Morton] was born, then, in 1520; and was of

The untimely demise of James V., opened a door, for the return of Sir George Douglas, and his brother, Angus, under the government of the Regent Arran ; when the parliament was induced to reverse the attainders of both.^d The Earl of Angus, and his brother, Sir George, were no sooner restored to their own country, than they acted as formerly, the treasonous part of agents to Henry VIII., from whom, they received the wages of corruption.

The Regent Arran, having discovered the treasonable correspondence of the Douglasses, with Henry VIIIth's government, besieged Sir George Douglas's house of Pinkie ; and on the 6th of November 1543, the Regent entered Dalkeith-castle, by assault : but, as we learn, from Sadler, Sir George Douglas's son, *who is heir to the Earl of Morton*, being in the castle, went into the *Donjon*, which he held against Arran, till he received favourable conditions of submission.* This is the first military exploit of *the master of Morton* ; who, undoubtedly,

course, about five years older than Secretary Maitland ; ten years older than Murray ; and two-and-twenty years older than the Scottish Queen.

^d Parl. Rec. 650-3 [printed], George Douglas now acted as a partizan, and spye of Henry VIII, as we may see in the State Papers.

* Sadler's Letters, 424, 429.

acted, through life, as a vigorous character : but, Crawford, the biographer, who is studious to find some merit in the adopted heir of the Earl of Morton, by a happy fiction, pretends, that this exploit was an act of patriotism, in holding out Dalkeith-castle against the English invaders, in May 1544.^f The Earl of Angus, and his brother, George, were summoned to the parliament of November 1544, to answer charges of treason.^g Finding that the *English angels* did not protect them, from the publick scorn, the Douglasses made their peace with the Regent Arran, who, of course, relinquished the prosecution. They now acted awhile, like honest men. Sir George Douglas, and his son, *the master of Morton*, both fought against the English army, in the disastrous battle of Pinkie : Sir George fell on the fatal field ; but, the master of Morton fled to Dalkeith-castle, the same night, whence he immediately retired ; giving

^f Officers of State 95 : This writer conceals the treasons of the Douglasses, on that occasion, which Sadler, unconsciously, records, in his letters. But, there is a letter from the Earl of Hertford, to Henry VIII., in the Hamilton archives, dated the 8th of April 1544 ; signifying that *the master of Morton* had promised to deliver Tamtallon, one of the keys of Scotland, to the English army. This is one of the first instances of *the master of Morton's* treachery.

^g Parl. Rec. 677.

orders to surrender the castle to the Protector, Somerset, if he should demand it.^a In riding that way, to reconnoitre the country, he did require this strength: and those who held Dalkeith-castle, did give it up, with flattering marks of profound respect, for Somerset, who appeared to be all powerful to ignorant eyes.

The year 1553, at length, brought to a close the life of the Earl of Morton, who had made so many entails, in order, that a Douglas might enjoy his estate, and title: this event opened the passage, for James Douglas, the master of Morton, to enter into both. Yet, might the Queen, when she came of perfect age, have recalled all those settlements. So he acted, in the drama of state, with great caution, till the parliament of April 1567, with the Queen's assent, quieted all his fears. After he had thus, in 1553, acquired the Earldom of Morton, and immured his wife, in Tamtallon-castle, he is said to have lived, privately, with a few domesticks; neither going to court, nor meddling

^a Godscroft 273; Patten's account of the Protector's Expedition, 79; but, he confounds the father, *George*, with the son, *James*. Godscroft, and others, who follow him in the path of tradition, relate, that the master of Morton was, on that occasion, taken, in Dalkeith-castle, and carried prisoner into England: But, Patten would have shown them their mistakes.

with affairs, to avoid expenses : By his frugal parsimony, adds Godscroft,¹ he disburdened both the Earldoms of Morton, and Angus, of their several debts. But, there was something concealed, under this parsimony, and that retirement, while his wife was confined in Tamtallon, which his biographer did not choose to open ; and what he did not choose to disclose, and what he declined to tell, cannot now be told.

At length, the Earl of Morton did meddle with affairs ; being one of the few lords, who subscribed the *first covenant* of the church reformer, on the 3rd of December 1557.²

Meantime, Morton's elder brother, David, succeeded, in August 1557, to Archibald, Earl of Angus, who died, in 1556, in his earldom, and estates, upon charters of entail, which had been obtained, from the Regent Arran, in favour of heirs male, but in exclusion of his only daughter, the Lady Margaret, Countess of Lennox, the mother of Darnley.³ Those

¹ Hist. of the Douglasses, 279.

² Keith, 66, contains that bond of the associators ; Spottiswoode exposes some of their resolutions.

³ Those charters, which show the desires of all the Douglasses, for heirs of their name, are preserved in the Parl. Rec. 766-9. Morton, in his epistolary altercation with Secretary Maitland, said, " I gave the Queen a thousand crowns, in a purse, for the confirmation of Angus." Banna-

charters, which were obtained, a few days before the battle of Pinkie, and were subject to the Queen's revocation, sowed the seeds of many dissensions, among the families of Lennox, Angus, and Morton. David, Earl of Angus, died, however, in 1558; leaving his son, Archibald, very young, in the tutelage of Morton, who is said to have managed his nephew's Earldom, with great economy, but with this sensation upon his spirits, that the title was subject to several challenges.^m He thus, however, acquired much additional influence, in the southern shires. With his usual policy, he now courted the Regent Queen, and Mons. D'Oysel, to whose daughter, he is said to have betrothed Angus, his nephew, and ward. But, D'Oysel, soon after removing, from the seat of his power, gave Morton an intimation, to recede from his contract.

This artful man was too much committed, with the congregationalists, by signing their first covenant, to be able to retract: And, when they unsheathed their swords against the Re-

tyne's Journal, 480. The Queen, thus, had a pecuniary interest, in such imperfect titles; and when she gave her necessary confirmation, without a *thousand crowns, in a purse*, she conferred a considerable favour.

^m Godscroft, 279.

gent-queen, he did not join their bands, though he secretly favoured their cause, according to the usual duplicity of that immoral age. The Earl, however, repaired to the Parliament of November 1558, and was chosen one of the Committee of Articles.ⁿ He was one of those, who received the report of the Parliamentary Commissioners, who had witnessed, in France, the Queen's marriage.^o Thus, at the end of 1558, Morton had risen, by the possession of two earldoms, and constant attention to his own interest, to be the most opulent, and one of the most powerful nobles of North Britain.

The year 1559, from the progress of the reformers, and the purpose of Elizabeth, to aid them, will always be deemed of great importance, in the Scottish annals. Morton, who still adhered, openly, to the Regent Queen, acted as one of the Commissioners, who made the treaty of Upsetlington, in May 1559.^p It was on this treaty, that Sir Robert Cotton, wrote with his own hand, "by this document, Elizabeth agreed, *not* to assist the King and Queen's subjects, in Scotland, yet secretly supported their revolt." She continued to agitate the people of Scotland, by the most disinge-

ⁿ *Parl. Rec.* 729-30.

^o *Id.*

^p *Rym. Fæd.* xv. 520.

nuous artifices, throughout her whole life. At the same epoch, the second covenant of the Reformers was entered into, at Edinburgh; but, Morton still reflecting on the defects of his titles, did not subscribe that document. This double dealing statesman, throughout the year 1559, continued to court the dowager Queen, while he secretly supported her reformed oppressors.¹ Neither Sadler, nor Cecil, Mur-

¹ On the 12th of October 1559, Cecil wrote to Sadler and Crofts, Elizabeth's two Commissioners in Scotland: In France, it is said, the Earls of Huntley, and Morton, remain, from the protestants. Sadler's State Papers, i. 495. On the 24th of October, Sadler, and Croft, intimated to Cecil, "that they had heard the Earl of Morton was at Edinburgh, with the Protestants." *Ib.* 514. He had been, at Edinburgh, to agree to a resolution to deprive the dowager Queen of the Regency. Keith, 105. The English Commissioners again wrote to Cecil, on the 25th of October: The Earl of Morton lyeth at Dalkeith, within five miles of Edinburgh, and sometimes repaireth thither, of whom the protestants make a certain account. Sadler's St. Pap. i. 518. On the 31st of October, Cecil wrote to Sadler: The Earl of Morton's absence is to be misliked. *Ib.* 532. On the 3d of November, Cecil again wrote; "I mislike, that the Earl of Morton lyeth aloof: I fear practices will do the protestants as much hurt, as force." *Ib.* 535. Randolph, Elizabeth's secret agent, in Scotland, wrote from Edinburgh: "No man thinketh well of the Earl of Morton, for that he hath broken his promise with the Lords of the Congregation. *Ib.* 537. Knox, at the same time, said, of Morton, that he

ray, nor Maitland could dive into his doubleness. Morton himself only knew, because he felt where both shoes pinched him. He alone could tell that the titles to the Earldoms of Morton, and of Angus, with the estates depending on them, were full of flaws: And it was late in December 1559, before he learned, that

promised to be ours; but, did never plainly join. *Hist.* 191. On the 11th of November, Randolph wrote from Stirling to Sadler, and Crofts," that the protestants had been obliged to leave Edinburgh, at midnight, between the 6th and 7th of November; as they had become weak and dispirited, and were doubtful of the castle; because the Earl of Morton, and Lord Erskine had consulted together, to end the matter, by composition: Wherefore, the protestant chiefs thought it better to depart than to trust to their gentleness, and specially to the Earl of Morton, who being of the congregation, and promising daily to come to them, stole secretly into the castle, whither he came the day before we departed; and was there when we went away. The Earl of Morton is returned to his house, and has not spoken with the Queen. Lord Erskine is determined to keep the castle from her. *Ib.* 564; Keith's *App*-34-5. Morton, probably, produced this resolution of Lord Erskine, when he was in the castle with him. See some other such motives of Morton, in Sadler's *St. Pap.* i. 626, 649. On the 20th of December, Robert Melvill arrived with advice, from Secretary Maitland, who was then at London, that Elizabeth had agreed to support them. On the 15th of January 1559-60, the English fleet, under Admiral Winter, arrived, in the Forth, off Leith. Keith, 115.

Elizabeth was resolved to support the Scottish protestants, openly, with money, and men, with her fleet, and her perfidy ; when Morton perceived, distinctly, that the dowager Queen would be overpowered, and the French expelled.

A new day dawned on the Scottish reformers, when the year 1560 began. The avowed assistance of Elizabeth, by so many modes inspired them, with every assurance of final success. Morton was, at length, so thoroughly convinced of that animating truth, that he would no longer receive letters, from the dowager Queen, who had egregiously misgoverned her daughter's kingdom.^r Norfolk, as Elizabeth's Lieutenant, in the north, arrived at Berwick, in February 1559-60, when he gave notice to the reformed nobles, to send Commissioners, to treat, for her assistance.* The treaty of Berwick was soon after made, by Murray, and Maitland, on behalf of Hamilton, the Earl of Arran, the second person of Scot-

^r Randolph, on the 25th of January 1559-60, informed Sadler, that when the Queen dowager wrote letters to many country gentlemen, to be in readiness, they absented themselves : Among others was my Lord Morton, upon whose doors those letters were fixed ; because none of his men would receive them. Sadler's St. Pap. i. 696.

* Keith, 116.

land, who thus assumed to be the first.^c Morton was one of the reformed nobles, who ratified the treaty of Berwick. During the siege of Leith, which was more difficult than had been foreseen, owing to the disciplined valour of its defenders, Morton took an active share. And on the 27th of April, he subscribed with a willing pen the fourth covenant of the reformed faction.^d Seeing now every fair prospect of final success, Morton wrote, on the 27th of May, an apologetical epistle to Secretary Cecil, from the camp before Leith: stating his hopes, that Lethington, as one, who was privy to his determination; what mind he had borne to the common cause, from the beginning, and his motives, for declining to declare himself, before the arrival of the English army.^e The Queen dowager's health soon after gave way to disease, and disappointment: so that Morton had nothing now to fear, or to hope,

^c On the 2d of April 1560, the English army entered Scotland, in pursuance of the treaty just made, at Berwick. On the 4th the protestant troops joined the English, at Preston. On the 5th the reformed lords met at Morton's castle of Dalkeith, whence they wrote to the dowager Queen, desiring that the French troops might retire, and the English would return: On the morrow, however, hostilities began. Spottiswoode, 144.

^d Keith, 125: *Preface* x.

^e Haynes, 305-16.

for his defective titles, from her powers of mischief, or practice of beneficence. The fictitious treaty of Edinburgh, on the 6th of July 1560, by the artifice, or ability of Cecil, virtually, transferred the sovereignty of Scotland, from the legitimate sovereign to the reformed chiefs. In the Parliament, which was called by them, on the 1st of August, contrary to their own treaty, Morton was present. With Maitland, and Glencairn, Morton was one of the Commissioners, who went from that convention, to thank Elizabeth, for her aid; and to offer her the Earl of Arran, the frantick son of the Duke of Chattelherault, for her husband.⁷ She was no doubt, gratified, to have wrenched, by her army, and artifice, a kingdom, from her rival Queen: But, with affected civility, she declined to accept such a husband, from such hands. It is pretended, that Morton procured, from his cousin Lady Lennox, a renunciation of her claims to the Earldom of Angus:⁸ But, subsequent proceedings evince, that he may have soothed, with his usual artifices, but, did not satisfy the family of Lennox; that Lady Margaret, the only child of the late Earl, was not the legitimate heiress of his estates, and titles.

Early in the year 1561, Morton, with his

⁷ Keith, 155.

⁸ Godscroft, 281.

associates, returned to their distracted country; and reported to the convention of May, Elizabeth's engagements to support their pretensions; and assist their arms, against their Queen.^a Whatever may have been the scofferies of some nobles, Morton subscribed Knox's book of discipline, as he found a shelter, from his subscription, for his immoral manners, and habitual depravity. The unexpected arrival of Mary on the 19th of August, whatever obstructions were opposed to her voyage, opened other objects to the vigilant Morton's interested eyes. When the Queen sat down, soon after, to settle her Privy Council, Morton was sworn in, among the other reformed nobles, to whom she delivered her person, and her people.^b Morton was an assiduous counsellor; attending almost every council, from the contiguity of his castle, during several years. From the epoch of the Queen's return, "Morton," as we are assured, by the historian of the Douglasses, "entered into the strictest bonds of friendship with Murray, which continued so long, as they lived together:"^c They had thenceforth the same

^a Keith, 167.

^b Keith, 187.

^c In his correspondence with Secretary Maitland, Morton informed him, that he obtained "the chancellerie, and the Earldom of Morton, with the help of Lord Murray's friend-

friends, and the same enemies ; the same aims, and ends ; the good of their country, and the maintaining of religion. They run the same hazards in all perils, and dangers, never separating their counsels, nor failing to aid one another.^d

Morton, as one of the southern barons, accompanied Murray to the borders, in November 1561, when Murray went thither, as the Queen's lieutenant, to restore good order on the conterminous borders. Morton, also, accompanied Mary, and Murray, on their northern expedition, for the double purpose of crushing Huntley, and aggrandizing Murray. Soon after the death of Huntley, at the skirmish of Corriche, Morton was rewarded, for such a journey, and such hazards : On the 7th of January 1562-3, he was appointed chancellor, in the place of Huntley.^e When the parliament passed an act of oblivion, for the violences, the villainies, and the wrongs, during the last seven years of uncommon perturbations, Morton was,

ship, and furtherance, though some part of his interposition was in respect of his brother, the laird of Lochleven's interest, who was placed next in the entail of the Earldom. Bannatyne's Journal, 480.

^d Godscroft, 281. The above is a very important passage, which ought ever to be kept in view.

^e Crawford Officers of State, 95.

naturally, appointed, with Murray, and Maitland, and other guilty chiefs, to carry it into effect. As chancellor, Morton was now in a situation, to ask, and obtain, a charter of confirmation of the earldom of Morton, from the Scottish Queen, in October 1564, when she was now twenty-one.^f But, Morton did not consider himself, as sufficiently secure; as the Queen, at the age of twenty-five, might still have recalled her charter: And, we shall see him, at the healing Parliament of April 1567, obtain a complete ratification of all his rights.^g Being now double sure, Morton, from thenceforth, gave full scope to his habitual perfidy. At that epoch, his wife was still alive, though immured, in the castle of Tamtallon, under the sad misfortune of a deranged intellect.^h

When the Queen married Darnley, on the 29th of July 1565, Morton acted, in the cere-

^f Parl. Rec. 764.

^g Acta Parl. ii. 562, for the ratification to Morton, and p. 565, for the ratification to the Earl of Angus.

^h On the 3d of May 1565, Randolph wrote to Cecil; Morton is so misliked, that I have not heard any man worse spoken of: He is now in hope, that the Queen will give over her right to Angus: But, Randolph seems to have forgotten, that in December 1564, he had written to the same minister, that the Queen had confirmed Angus to the young Earl. Keith's App. 162.

monial of the nuptial feast, as the Queen's carver. After the Queen's marriage, nothing remained for Murray, prompted as he was by Elizabeth, but submission, or revolt: He chose the last alternative: And he went out into insurrection, aided, by the numerous family of the Hamiltons. Morton acted, on that occasion, a very different part: He remained in the Queen's councils, to betray them: He commanded the Queen's army, on purpose to mislead it: And when Murray led his insurgents to the south; Morton conducted the loyalists to the north. We thus perceive Morton acting upon his usual principle, of making surety double sure: It is apparent, then, that the two armies could not meet, till they had traversed the globe. At the end of the campaign of 1565, Morton, seeing that Murray, with his insurgents, had arrived safe on the north-western borders of England, left the Queen's army.ⁱ After the Queen's return to Edinburgh, measures were taken, for restoring general quiet, in which Morton concurred; because he knew, that his insurgent friends were quite safe.^k On the

ⁱ On the 11th of October, Randolph wrote to Cecil, "That he knew for certain, the Earl of Morton, and Lord Ruthven, were enemies to the Queen's government, and only make fair weather, until it come to the pinch." [An unpublished dispatch in the Paper Office.] ^k Keith's App. 115-17.

30th of October, the Queen rode to Dalkeith, to pay a visit to Morton, for a few days. Of this visit, Randolph said, sneeringly, "that it would enrich Lord Morton, who would be as well pleased, with her being there, as I am of my abode, in Edinburgh."¹ The object of the Queen's visit was, probably, more of business, than of amusement, at such a season. She had it in contemplation to take into her own hands some of the strongest castles, in her kingdom. He did not probably make any strong objection; as he was already meditating resentment, or relief: And, in a few days, he followed the Queen to Edinburgh, where a council was held, wherein it was determined to arrest various persons, and to seize some castles.^m Morton

¹ An unpublished dispatch to Cecil, in the Paper Office.

^m On the 5th of November 1565, Morton, as chancellor, attended the Privy Council, when bonds were ordered to be taken of suspected persons, in Fife, and Lothian, for their good behaviour; and directions were given, "for delivering up, when required, by the King, and Queen, the castles of St. Andrews into the hands of Archbishop Hamilton, the castle of Tamtallon, then in the hands of the Earl of Morton, by right of ward [of the Earl of Angus] and the castle of Lochleven, pertaining to William Douglas (another of Morton's near relations.) Keith, 318. Security was merely given, to surrender those castles, on the 4th or 7th of January. Ib. 226.

was now plainly acting, according to his usual policy, *of espying the times, and making fair weather, till the pinch should arrive.* On the 1st of December 1565, Morton, as chancellor, attended the Privy Council, which directed summonses of treason to be issued against his friends, Murray, Argyle, Glencairn, Rothes, and other rebels, to appear in Parliament, on the 4th of February then next.ⁿ Thus, did Mary attempt, to strengthen her government, which appeared triumphant, at the end of 1565. But, nothing could be more hollow than such appearances. She had no regular army, and scarcely a sufficient guard, for her palace: Her government may be said to have consisted of herself, Darnley, a silly youth, and Lennox, a weak man: Her chancellor, Morton, was able, artful, enterprizing, and perfidious, who, as we have seen, was *her enemy*, and *Murray's friend*. Her Secretary, Maitland, was still more able, artful, enterprizing, and perfidious, who was more attached to *Elizabeth* than to *her*, was more *Murray's friend*, than *her servant*. The inferior officers of state, who were all utterly unprincipled, were the mere dependants on Murray, though they were appointed to prosecute him. And the expatriated nobles lurked

ⁿ Keith, 118-20

in Northumberland, where they were countenanced, by the English administration ; and whence they intrigued with the Scottish people. In this state of things, Morton took the lead, in forming a very wide conspiracy, which had, for its end, two great objects ; the return, and pardon, of the expatriated peers ; and the further safety of *the religion*.^o The means, for accomplishing those objects, were ; 1st. to delude Darnley, with the hopes of being sole king, for his life, to act against the Queen, his wife, by seizing her, in her palace ; to assassinate, in her presence, her private secretary, Rizzio ; and in the midst of this explosion, to dissolve the Parliament, which was to attain Murray, and his friends, who were to return, in the midst of the intended tumult. In all those *objects* and *means*, the clergy, with Knox, at their head, zealously concurred. And, by the duplicity of Morton, and the artifices of Maitland, all suspicion of such a conspiracy were kept from the Queen's knowledge.

In order to give time, for the complete formation of this terrible plot, the Parliament, on the 4th of February 1565-6, was adjourned to

^o Morton, and Ruthven, avowed these two objects, in their well known letter to Throckmorton, of the 2d of April 1566, in Goodall, i. 265.

the 7th of March, and the summonses against Murray, and his friends, were continued to the 12th of March.^p The Parliament did, accordingly, assemble, on the 7th of March, the day, to which it was adjourned; the Queen meeting it in state, and making it her speech; while Darnley, refusing to attend her, went to Leith, for his amusement.^q

This great conspiracy, at length, burst upon the Queen's palace, while she was at supper with her usual attendants, on Saturday the 9th of March 1565-6. Holyrood-house was surrounded by 500 armed men, who were commanded, by Morton, the Chancellor, assisted by the lords Ruthven, and Lindsay. The war-cry which was raised, on that boisterous night, was *a Douglas! a Douglas! a Douglas!* And, there were, indeed present, at this treasonous attempt, a dozen Douglasses, with Morton, as their chief. He commanded every where, and placed guards, at every apartment, and in every passage; so that the Queen was completely made captive; the courtiers making their es-

^p Keith, 326. Melvill says, in his Mem. 8vo. edit. 128, that *Morton*, Ruthven, Lindsey, and other friends of the rebel lords; in order to prevent their forfeiture, consulted together how to get the Parliament stayed, and to make a change at court; and he intimates that some had special reasons to fear the sitting of Parliament.

^q Keith, 331.

cape, by every means. Darnley led the way to the Queen's closet ; followed by Lord Ruthven, and George Douglas, his favourite ; And, it was reserved for this cut-throat, with the King's dagger, to strike Rizzio, the wretched victim of their odious guilt, while clinging to the Queen's garments.^r On the morrow, being Sunday, the 10th of March, Darnley issued a proclamation, by his own authority, which was too readily obeyed, to prorogue the parliament.^s In the evening of the same day, Murray, Rothes, and their expatriated compeers, arrived, at Holyrood-house, where Darnley received them, as friends. The time, and circumstances, of their arrival, evince, that they had been previously informed of this *privy conspiracy*. Murray, soon after, had an interview with the Queen, who, in her captive state, received him, with her usual grace. And Murray, afterward, retired to rest in the friendly mansion of Merton, as his safest residence.

On the following day, Murray, Morton, and other nobles, held a council, to determine on ulterior measures :^t In the spirit of their con-

^r Melvill's Mem. 129 : The Queen's interesting account of that barbarous deed, is in Keith, 331.

^s Ib. 332 ; App. 126.

^t Knox, 394, specifies, as present, at that treasonous

spiracy, they now resolved, to imprison the Queen, in Stirling castle, till she should approve, in parliament, of their whole enterprizes, establish their religion, and give the King the crown matrimonial, with the whole government.^a The Queen then, was to be dethroned, for the notable purposes of those conspirators, with her husband at their head. In this manner, were to be accomplished the objects of this conspiracy, by a captive Queen, and a dislocated constitution !

But this traitorous resolution was soon disconcerted, by a wondrous change of the fatal scene. In the night of the same day, the Queen, by great efforts of address, and resolution, induced Darnley, to flee, with her, to Dunbarr-castle, where she was soon surrounded by her affectionate nobles.^{*} In consequence of the Queen's escape, on the morrow, the conspirators held another council, in *Morton's* house, where they now determined, with the usual assurance of ultimate success, to send Lord Sempil to Dunbar, with a request, that the Queen would subscribe those *Articles*, which had been pre-

council, *Lennox*, *Murray*, *Morton*, *Roths*, *Ruthven*, *Lindsay*, *Boyd*, and *Uchiltree*.

^a Keith, 332.

^{*} Ib. 333. Thither, the guilty *Lennox* repaired to her, whose ingratitude had forgotten, while intriguing with *Morton*, that he owed his all to the Queen's beneficence.

sented to her, while she was a prisoner in Holyrood-house. Sempil was detained three days; and, in the end, was sent back with the Queen's refusal.⁷ From Dunbar-castle, she summoned all her faithful lieges, to assemble in arms, to meet her, on the 16th, the 17th, and the 18th of March, at Haddington, and Musselburgh, as she marched to Edinburgh.⁸ It was now perceived, by Morton, and his associates, in the late conspiracy, that the Queen had taken her measures. And, on Sunday, the 17th of March, the Chancellor, the Secretary, M'Gill, the Lord Clerk Register, Ballentine, the Lord Justice Clerk, Knox, the Reformer, with Lords Ruthven and Lindsay, fled, by various ways, to the treacherous borders of England.⁹ On the 18th of March, the Queen, and Darnley, entered Edinburgh, at the head of 8000 men; when the Queen entered the castle, as her safest abode.¹⁰

⁷ Keith's App. 129.

⁸ Ib. 130.

⁹ Keith, 333; Melvill, 132; Knox, 395: Among the guilty fugitives were George Douglas, the bastard of Angus, William Douglas of Whittingham, and his brother, Archibald, the parson of Douglas, William Douglas, of Lochleven, nine other Douglasses, with other adherents of *Morton*. Archibald Douglas was one of the murderers of Darnley, and collusively acquitted. Arnot's Crim. Trials. See his letter to the Queen, in Goodall, i. 281.

¹⁰ Knox, 395.

On her way to Edinburgh, Mary pardoned Murray, and his associates, for their rebellion, at the same time, that *Morton*, and his adherents, were obliged to flee. The Earl of Huntley, on the 20th of March, was appointed Chancellor, in the place of *Morton*, and on the same day, Darnley, disavowed, by proclamation, his concern, in the conspiracy, though he avowed his desire, for the return of Murray, who had opposed his marriage, by rebellion ; while he murdered Rizzio, that had promoted it.*

The correspondence of Randolph with Cecil, had prepared Elizabeth to hear of some great event. Her ministers had previous information of the late conspiracy, with the objects of it.^d Randolph, Elizabeth's agent, seems to have retired, from Edinburgh, to Berwick, a few days before the fatal explosion, on the 9th of March. Morton, and Ruthven, followed him thither, on the 17th. And, as early as the 2d of April 1566, Elizabeth wrote to Bedford, her

* After that disavowal, so contrary to truth, says Knox, Darnley lost his credit among all men. Hist. 395.

^d There is in Keith's App. 167, a letter from Bedford, and Randolph, at Berwick, on the 7th, transcribed from the Cotton Library : which proves the fact of their previous knowledge ; that *Morton*, Ruthven, Lindsay, were the chief promoters of the conspiracy ; and that Darnley was, merely, their instrument of mischief.

lieutenant in the north, that "she is willing Morton may stay, in England, till she give further orders."^e They, meanwhile, endeavoured, to engage for their cause, if not for themselves, many influential persons, in England; pretending their objects to have been, the relief of their brethren, and the benefit of *the religion*.^f While Cecil favoured, and Elizabeth countenanced, the conspirators, the most dangerous intrigues were carried into effect, upon either side of the conterminous borders.^g Throughout the ensuing summer, the two Queens practised their arts, on each other; the one to remove, and the

^e Keith's App. 167. On the same day, Mary wrote to Elizabeth, pressing her to remove Morton, and his associates, from England: But, after giving fair promises, Elizabeth allowed them to lurk about Alnwick, till their restoration, which she promoted, at the end of the year. Keith, 336; Melvill, p. 136; Godscroft, 292.

^f See their letter of the 2d of April 1566, to Sir Nicholas Throckmorton, in Goodall, i. 264.

^g There were practices, which went to affect the life of Bothwell. Keith's App. 167. Bothwell was the Queen's Lieutenant on the borders; was the chief lord of Lidisdale, and was, therefore, hated by the borderers, who were influenced, by *Morton*. The Elliots, who hated Bothwell, sent to the English warden, and to Bedford, "to allow them to lie five or six days on the English borders:" This was granted, by connivance, Goodall, i. 304, from the Cotton Library, Calig. B. x. fol. 380.

other to retain the expatriated traitors ; while Mary was persecuted, to pardon the conspirators, who had defied her power, and endangered her person.

In the meantime, the Privy Council, sitting at Edinburgh, assisted by Murray, and Argyle, thought fit to order justice to be done on all those, who committed the murder of Rizzio, or were suspected of that crime ; while others, who were less guilty, and offered themselves for trial, should be confined, banished, or fined.^b Of the 500 persons, who were, actually, present, at the murder of Rizzio, and participated in the treason of restraining the Queen, 400 were slighted, 79 were pardoned, and two insignificant men suffered the usual pains of high treason. Buchanan, when he speaks of the severity of the proceedings against those odious criminals, talks like an historian, who was either not well informed, or not well intentioned. The chiefs of that conspiracy, particularly, *Morton*, passed into Scotland, where they were concealed, by their friends : the Privy Council, on the 8th of June, directed proclamations to be made against receiving, or supplying, those conspirators, and particularly, the Earl of *Morton*, Lord Lindsay, and the master of Ruthven.^c

^b Keith's App. 131.

^c Keith's App. 131-2.

On the 31st of May, Morton wrote to Randolph that Elizabeth will not allow him, and his associates, to remain, in England; and he wished Randolph to grant them a safe conduct, and to intercede with the Scottish Queen, for their return home; *considering how much they had done, formerly, for the Queen of England's service.*^k

As the time of the Queen's confinement approached, the Earls of Huntley, and Bothwell, and the Bishop of Ross, advised her to imprison Murray, during so dangerous a period; saying that they were, assuredly, advertised that he, and his dependants, were resolved to bring in the banished lords, before she should be restored to her health: Mary mentioned this to Melvill, the partizan of Murray, whose gratitude forgot what his resentment remembered.^l When Melvill communicated, to Elizabeth, the unwelcome news of Mary's delivery, he thanked her, in the name of his mistress, for putting away those conspirators, though there were reports, that some of them were still entertained, secretly, in England: Elizabeth affirmed, with her usual effrontery, that

^k *Ib.* 168, from the documents, in the Cotton Library. Bedford wrote to Cecil, on the 3d of August.

^l Melvill's Mem. 67.

they had been ordered out of her dominions ; and if it should be discovered, that her directions had not been enforced, rigorous punishment should follow.^m Elizabeth, on her part, complained of *disorders on the borders* : and Mary required her agent, Melvill, to signify to her good sister, her firm belief, " that it was the principal officers, on both sides, who were the special instruments of those disorders ; taking occasion upon the late troubles ; when she might not so well take order with them."ⁿ The truth is, that the English wardens had encouraged those disorders, in order to conceal Morton's practices ; and the great clans of the Scottish borders, with Lord Home, at their head, had taken part, lately, with Murray, and now adhered to Morton.^o

The Queen's principal ministers persevered in their endeavours, to obtain the restoration of those nobles, who, by the most horrible

^m Mel. Mem. 70. The fact is, that Elizabeth ordered Morton, and the other conspirators, to quit England : But, they were protected by Cecil, and they only pretended to depart. Documents in the Paper Office. ⁿ *Ib.* 73.

^o Knox, 393 ; Goodall i. 380, from the Cotton Library, Calig. B. 10 : and " these clans," as Bedford intimated to Cecil, on the 3d of August, were resolved to withstand Bothwell, the Queen's Lieutenant, unless the Queen should come in person." *Id.*

crimes, had obtained the return, and pardon, of the ambitious Murray, and his guilty associates. They successfully, attacked the Queen's sensibilities at the baptism of James.

Morton, thus restored, went from England to Whittingham : and, here was he met, about the 20th of January 1566-7, by Bothwell, and Maitland, with a familiarity, which plainly implied some previous communications, upon the momentous business of the king's murder. This is so important, that Morton ought to be allowed to tell his own story, as he told it himself, on the fatal scaffold, to the Edinburgh ministers, which, he said, was the truth, as he should answer to God. " After my returning out of England, when I was banished, for David's slaughter, I came out of Wedderburn, to Whittingham, where the Earl of Bothwell, and I, met together ; and in the yard of Whittingham, after long communing, the Earl of Bothwell proponed [proposed] to me the purpose of the King's murder ; requiring what would be my part therein ; seeing it was the Queen's mind, that the King should be taken away ; because, as she said, she blamed the King more of David's slaughter than me : my answer to the Earl of Bothwell, at that time, was this : that I would not in any ways meddle with that matter ; yet, for this cause, that I am but

newly come out of a great trouble, whereof I am not ridd ; being prohibited to come near the court, by several miles, and therefore I cannot enter myself in such a new trouble again. After this answer, Mr. Archibald Douglas entered into conference with me, on that purpose : persuading me to agree to the Earl of Bothwell. Last of all, the Earl of Bothwell, yet being in Whittingham, earnestly proposed the said matter to me again ; persuading me thereto ; because, he knew, what was the Queen's mind ; and she would have it to be done. I desired the Earl of Bothwell to bring the Queen's handwrit to me, for a warrant ; [for women will both say, and gainsay ;] and then, I should give him an answer, otherwise, I would not meddle therewith : The which warrant he never reported unto me,"

This confession, which is certainly very curious in itself, says not a word about the casket, and letters, which Morton, affirmed, and swore, that he had found on Dalgleish ; and which are so interesting, at present, from their connection with the Queen's fame. The reason why no written warrant was ever reported to Morton was, that Bothwell had none, as low down, as the epoch of that meeting, about the 20th of January 1566-7. And the silence of the confession, with respect to the casket,

and letters, demonstrates, that the story told, and sworn, by Morton, about the finding of them, was altogether fictitious. The ministers, who took that confession, at the death of Morton, seem to have thought as much. It is an important fact, however, that Maitland, whom we have seen attainted by Parliament, as guilty of the King's murder, was actually present with Bothwell, and Morton, at Whittingham, about the taking away of the Queen's husband.

Bothwell, with a dozen retainers, and Archibald Douglas, and Sir James Balfour, were undoubtedly, the guilty persons, who placed the gunpowder in the lower apartments of Darnley's lodging, and put the match to the train, which blew up this never to be forgotten house. Bothwell, by being present in person, at that guilty scene ; by calling out so many dependants, and servants, to assist, in that daring deed ; seems to have little feared detection, and to have thought punishment impossible, from the power of his associates, who were bound to defend that odious act. That murder was attributed, by Holinshed, as plainly as he could speak, to " his own, but unnatural, and rebellious people." Camden, who seems to have seen the guilty *bond* of the conspirators, attri-

butes more specifically *the act* of Bothwell to *the management* of Murray, and Morton.^p

It was immediately whispered, in Edinburgh, that Bothwell was not quite free from guilt, in that terrible transaction. Rumour soon repeated, that Bothwell was the chief assassin. Contrary rumours were purposely reported. Placards were now affixed to the publick places of that city, charging Bothwell with the crime of murdering Darnley, and including others, who were not guilty.

Such, then, was the consummation of one of the principal points, arising out of that subtle, and well conducted conspiracy, by the popular chiefs, against Darnley, for the Queen's ruin, by the villany of Bothwell, the management of

^p Chron. of Scotland, 384. Hist. Eliz. Origin. 110; Trans. 92-3: Morton is said, indeed, by the historian of the Douglasses, to have kept at home [Dalkeith] on that fatal day; "Seeing what a fearful tragedy was like to be acted at court." Godscroft, 292: It is said by Man, the Editor of Buchanan, p. 527, that Morton, after visiting the young Earl of Angus, at St. Andrews, went thence to Abernethie, in Stratherne, an estate of Angus, "where he was at the time of Darnley's murder." But, Godscroft is the best authority. It might well answer the obvious purpose of popular delusion, *to go out of the way*, on such occasions, in that age of plots; but, at present, such a circumstance is a proof of their concernment.

Morton, and by the countenance of Elizabeth, and the artifices of Burghley. It was, also, an essential part of that conspiracy to make Lennox, the father of Darnley, an actor who had joined his son in the murder of Rizzio, and, was, thereby, involved in the treason against the Queen ; who, by her, was pardoned, for both ; and who now came forward, to cry out for justice against the King's murderers, and after charging Bothwell, as one of the principal murderers, to relinquish the prosecution, when the trial approached. The 12th of April was the day, which was appointed, for the trial of Bothwell ; and due notice was given the injured Lennox, to attend with the whole proofs of his weighty charge. He came forward, from Glasgow, on the 11th, to Stirling ; when he resolved to pray for a delay, and to request Elizabeth, for her support of his prayer. The court was, however, held, on the appointed day, by the Earl of Argyle, the Justice General, who had joined, in Murray's rebellion, against Mary's marriage, with Darnley ; and who was pardoned with that treasonous chief. He was supported, by four assessors, who had the same principles, and connections. Lord Lindsay had been involved in the guilt of Rizzio's assassination, and the Queen's constraint ; and had been pardoned with Morton for that murder, and treason :

Balnavis was one of the assassins of Cardinal Beaton, and had been pensioned, by the protector Somerset, for his crime : The other assessors, the whole officers of state, and the noble jurymen, were all partizans of Murray.³ But, above all, Morton, who knew the guilt of Bothwell, and was himself guilty, appeared in court, by the side of Bothwell, to countenance the criminal, and to prompt his defence. As neither prosecutor, nor witness, appeared against Bothwell, he was of course acquitted, by a jury of Murray's friends, and by judges of his fraternity.

The Parliament, which was called, in coincidence with that trial, assembled on the 14th of the same month. Bothwell, as he was now deemed innocent, by his acquittal, acted a conspicuous part : Morton, as one of the Lords of Articles, bore great sway ; and as all parties concurred in its proceedings, it may be called a healing Parliament. As reformers, the members renounced the jurisdiction of the Pope ; and gave universal toleration. The Queen being now five-and-twenty, openly assented to many acts of confirmation, for defective titles, and of restoration of outlawed persons, for former misdeeds. The Scottish writers suppose,

³ See Tytler's Enquiry, ch. iv.

this Parliament to have been chiefly held to promote the aims of Bothwell: But, the fact is, that this Parliament, constitutional as it was, in its meeting, and proceedings, was made, by the conspirators, the very pivot, on which much of their success was made to turn. Murray had his earldom, and the lands of Strathlee, confirmed to him. Morton had his earldom confirmed; as well as the earldom of Angus; about which the interested heart of Morton had been so often, and anxiously, concerned: Being thus secured, in their titles, the conspirators could now wade through the embarrassments of their country, with more ease, and effect the objects of their conspiracy, with more success. The Earl of Rothes, the foreman of the assize, which acquitted Bothwell, had, also, a confirmation of his title. Lord Cathness another of that assize, had also his office of Justiciary confirmed. Bothwell's estates, and offices, which he had derived, hereditarily, from his father, and grandfather, were confirmed, as well as those, which he had himself acquired. After the rising of this Parliament, all parties, and persons, moved more easily, under the security, which they derived, from its proceedings.

Several steps of the conspiracy of Maitland, and Murray, and Bothwell, and Morton, had

now been achieved : Darnley had been assassinated ; Bothwell had been charged, tried, acquitted ; and the Queen, in the contemplation of the conspirators, and in their calumnies, had been implicated in the disgrace of his acquittal, which they had obtained. Another step of still greater importance remained still to be taken ; in order to obtain the grand catastrophe of the whole plot, by the Queen's marriage with Bothwell. For this end, on the evening of the prorogation of Parliament, the temporal peers, with *Morton*, at their head, subscribed a bond, which was signed by the spiritual Peers, on the morrow, [the 19th and 20th of April] in favour of Bothwell, under the same collusive management, that had acquitted him. This abominable bond had four objects ; (1) to declare their belief, in the innocence of Bothwell : (2) to defend him, in case he should be again calumniated ; (3) to recommend him, as the fittest husband, for the Scottish Queen ; (4) to fortify the Earl, if he should be gainsayed, in such a marriage ; and if the subscribers should act contrary to this bond, they agreed never to have any credit thereafter, but to be accounted faithless traitors. Bothwell had now two distinct bonds in his hands, one, for the murder of Darnley ; and the other, for the marriage of the Queen ; without any sus-

picion, that he was made the mere dupe of the designs of wickeder men than himself; and without suspecting that his ambitious aims would end, in his own destruction, and the Queen's ruin. Thus strengthened, and thus urged, to his destiny, Bothwell on the 24th of the same month, with an armed force, seized the Queen, with Huntley her Chancellor, and Maitland, her secretary, and Melvill, her courtier, and others, at the Foul briggs, on her return from Stirling, to Edinburgh; and carried them, forcibly, captives to Dunbar-castle. "There," says Melvill, who was present, "Bothwell boasted, he would marry the Queen, who would, or would not; yea whether she would herself, or not. Afterwards," Melvill adds, "the court came to Edinburgh: And then, the Queen could not but marry him, seeing he had ravished her; and lain with her, against her will." Bishop Lesley expressed the same sentiment, in less simple language, and of course with less force: "The Queen, after Bothwell's acquittal, not suspecting any thing of his guilt, yielded to that, to which those crafty heads, and the necessity of the time, as then to her seemed, did, in a manner, enforce her."

^x Birrel's *Diary*; Melvill's *Mem.* 79; *Acta Parl.* ii. p. 5-6-7.

The Queen, accordingly, married Bothwell, on the 15th of May 1567. And now was consummated the conspiracy, which had been formed, by the most artful, and wicked of men, for Bothwell's destruction, and the Queen's ruin.

The treasonous interception of Mary by Bothwell, was the signal for the associated nobles to meet, at Stirling. They were the *principal nobility*; according to Cecil, as we have seen; the *prime nobility*, saith Knox: And, they sent a message to the Queen, to know whether she had been seized by force, and carried to Dunbar against her will: adding, if she were restrained, they would come, with an army, and set her at liberty. Such a message from nobles, who were acting under *Morton's* management, was plainly captious: And she is said to have answered, that she had been carried off against her will; but that she was courteously used since her being at Dunbar. They ought to have repaired to the Queen with their forces, to relieve her. But, they merely sent a message, from Stirling, which was certainly intended, as the insidious foundation of some ulterior measures.

While Morton continued thus busy, in forming a conspiracy, which was to overturn the Queen's government, she made a new arrange-

ment of her Privy Council, which tended to strengthen her authority, from the precedents of the minority of her father, and from the example of her own practice, in 1562. She first filled up her Privy Council with new members ; and she afterwards divided the whole into separate committees, for their attendance, during particular periods. Of these Privy Counsellors, Morton was the chief ; and was at the head, and in the heart of the confederation, which was already formed, by him, in concert with Murray, till his arrival from France : next to Morton, in that association, of traitors, were Argyle, and Athol, who were soon after joined by Lord Boyd : and the other chiefs of this conspiracy were Glencairn, and Mar, Lindsay, Ruthven, Sempil, and Home. Secretary Maitland, and the Justice Clerk, Bellenden, remained about the Queen, to learn her secrets, and to betray her counsels. On the 23rd of the same month, of May, the Queen issued a fresh proclamation, in favour of her protestant subjects ; but, without gaining one friend, or obtaining one grain of confidence.

In the meantime, while the Queen endeavoured thus to strengthen her administration, without any suspicion, that every step she took, she trod upon a well charged mine of great extent : The associated lords assembled in a

secret convention, at Stirling, about the 23rd of May 1567. Here, they resolved to dethrone the Queen, and to crown her infant son: and for these ends, they entered into a bond, according to the usual practice of that atrocious age, to tie the conspirators together. They resolved, in pursuance of those purposes, to bring their forces into the field. The first motive of their insurrection was to protect the infant prince, who was injured by them, before he was born; and who was now safe, in the custody of one of themselves, within Stirling-castle. The next ground of insurrection was to liberate the Queen, from the restraint of Bothwell, when she was no longer restrained. And, thus constantly varying, from the suggestions of falsehood, they soon took a third ground, in opposition to their own bond, to bring Bothwell, and others to justice, for Darnley's murder: while their own leaders were the most guilty of the same offence; Secretary Maitland, in concerting it, and Morton, in carrying it through; who were both convicted, afterwards, of that horrid crime.

While the professed objects of those perfidious nobles were thus groundless, their real objects, from the epoch of their conspiracy, were the dethronement of their legitimate sovereign, and the coronation of her infant son,

who had neither any title, nor any fitness ; except, indeed, for evincing the necessity of a Regent. We might see if they were obscure, both those points established by the intrigues, and declarations of their avowed agent, Sir James Melvill. The noble confederates confided their secret to their practised courtier, when they employed him, as a proper agent, to corrupt, and gain Sir James Balfour, the Queen's Governor of Edinburgh-castle. As the Queen's friend, Melvill easily obtained entrance into the interior of the castle, and utterance to the ear of the governor. This treasonous negotiation commenced, almost as early, as the conspiracy itself ; since its success depended on gaining the Governor of Edinburgh-castle. Melvill has detailed, in his Memoirs, without reserve, and without shame, the various arguments, by which he corrupted the integrity of so corrupt an officer, as Balfour. He began, by insinuating, that Bothwell, having become suspicious of him, intended to deprive him of his charge. Melvill, therefore, conjured Balfour, to prevent, by prompt resolution, a change, which would be at once injurious, and disgraceful to so trusty an officer ; to prevent both the injury, and the disgrace, by " being the good instrument of, at once, *saving the Queen, and Prince, and of assisting the nobility, who are about to crown*

the Prince, and to pursue Bothwell, his enemy, for Darnley's murder." Melvill now worked upon the fears of Balfour: "I told him," says he, "that unless he took part with the associated nobles, he would be holden, as guilty of the King's murder, by reason of his long familiarity with Bothwell." This argument had decisive influence on the guilty mind of Balfour. "The Governor," continues Melvill, "gave ear to my proposal; and consented to join in the pursuit of Bothwell; on condition, that the laird of Grange would engage, to protect him, in case the nobility should *alter upon him*." Melvill now acquainted the Earl of Mar with his success, and his agreement. The good will of the Governor of Edinburgh-castle, being thus gained, it was easy to thrust out all those, who were attached to the Queen;⁷ and all those circumstances operated to assuage the popular fury, till the nobles could convene, for pursuing the murderers of Darnley; and *to crown the Prince*; as they had *already concluded*, at a secret meeting among themselves. We have thus obtained full proof from Melvill, who was a busy actor, in the guilty scene, of the *secret meetings*, of their early purpose of *crowning the Prince*, and dethroning the Queen, as a

⁷ Buchanan, Lib. xviii.

previous measure. Knox, Buchanan, and Spottiswoode, all relate the *publick professions* of the confederated lords, but say not a word of their secret *resolutions*.

The rebels had appointed to assemble with their forces at Liberton, in Mid Lothian, about the 8th of June; and to have thence begun their rebellion, by surrounding Holyroodhouse; seizing the Queen, and Bothwell, and possessing themselves of her metropolis. But, she had received, meantime, some intimations of their designs; and with her husband, she withdrew to his castle of Borthwick, on the 6th of June; as the gates of Edinburgh-castle had been shut against her, by the profligate Balfour, who had been deluded from his duty, by intriguing Melvill.

On the day of rendezvous, Morton was the first to appear with his forces, at Liberton, as he was the head, and soul of the whole conspirators;* showing by his alacrity, that he was worthy of his place, in such an insurrection. He was soon joined, by Lord Home, and some other chiefs, from the borders. And, their united forces now amounted to about 2000 horse. The other conspirators, who assembled their followers, at Stirling, did not arrive at the

* Godscroft, 294.

general rendezvous, on the appointed day : This delay was attributed to Athol, who was either amazed, at the magnitude of the undertaking, or detained the while, at Stirling, by his own sluggishness of temper. Morton, and Home, resolved, however, not to remain inactive. And Home, with 800 horsemen, on the night, between the 9th and 10th of June, beleaguered Bothwell, in Borthwick-castle : But, the Queen made her escape to the castle of Dunbar. Disappointed thus of such a prize, Home, marched towards Edinburgh, where he joined Morton, and the other rebels, who had at length arrived from Stirling, and appeared, at the gates of the city, with a force of 3000 men. The Archbishop of St. Andrews, the Earl of Huntley, the Bishop of Ross, and the Abbot of Kilwinning, who had remained, in Edinburgh, after the Queen's retreat to Borthwick, tried to get the people to defend the city against the insurgents : But, as they favoured the conspiracy, the magistrates could only order the gates to be shut. The rebels entered, by St. Mary's gate, into the Canongate ; whence, they issued, on the same day, a proclamation, calling themselves the nobility, and council, and avowing their purposes. After a recital of falsehoods, they declared their objects, " To deliver the Queen from her thraldom ; to try the mur-

derers of their late King; to preserve the prince; and to purge the nation of infamy: They now commanded all courts, and ministers of justice, to sit, and act, according to the laws of the land, notwithstanding any tumult, or rumour, *on pain of being deemed murderers* of the late King, ravishers of the Queen, and invaders of the prince's body." Such was the language of the murderers themselves, the most infamous of mankind. While nobles acted thus, it was plainly impossible to free the land from its infamy. On the same day, the city of Edinburgh sent a deputation to the Queen; "to excuse the good town, for their part, in the entering, and remaining there of the lords Athol, Montrose, Morton, Mar, Glencairn, Home, Lindsay, Ruthven, Sanquhar, Sempil, and the lairds of Tullibardin, and Grange, who had continued in arms, for the punishing of the King's murder, and for putting our sovereign to liberty; dissolving her marriage with the duke, and securing the Prince." Such were the pretences of the conspirators, and the delusions of the citizens! These principles, the city orator seems to have borrowed, from the proclamation of the nobles, on the same day, perfidious, and pretending, as it was.

On the morrow, the confederated nobles entered Edinburgh, from the Canongate. They

now issued another proclamation, calling themselves the *secret council*, and nobility; and denouncing Bothwell, for ravishing the Queen, and warding her in Dunbar; for carrying her to Edinburgh with an armed force, and marrying her, by an illegal contract; for murdering the late King, and for levying forces, to no other effect, than to commit the same murder on his son: Such were the actions, which had been promoted by Morton, and supported by the same nobles! For these several causes, the council, and nobles charged the whole liege subjects of the Queen to join their standard, at three days notice, to march forward, to deliver the Queen's noble person from captivity; to bring Bothwell and his accomplices to justice, for murdering the King, and ravishing the Queen; and to protect the Prince, from a similar fate. Such were the three objects, which the insurgent nobles avowed, as their objects, on the 12th of June 1567. One of the most obvious reflections, arising from both those proclamations, as avowing their *motives of action*; that there is no guilt imputed to the Queen: She is, in both, considered as an injured woman, and a captive princess; and in both these characters, is she declared to be an object of protection, and relief. Yet, when we look back upon the past, and forward to the

future, we must turn away from those proclamations, with abhorrence, as sophistical in their reasonings, and perfidious in their aims. In aid of both, however, “ Sundry libels were “ set up, both in rhyme, and prose ; to move “ the hearts of the whole subjects to take part, “ in so good a cause.” The outcry, which we may remember to have heard on Darnley’s murder, for involving the Queen, in general indignation, was now redoubled, in every proclamation, and from every pulpit : yet, the people, notwithstanding those various efforts, did not join the insurgent nobles, as was expected ; most of the lords being adversaries to the object ; while others stood neuter. The rebels were ill provided with arms, artillery, and ammunition. From all those causes, they began to see, that their cause hung in doubtful scales ; and fearing for the success of their enterprize, they were even beginning to think of relinquishing their treasonous object, till a fitter opportunity ; and they would have retired from the field of action, if the Queen had remained a few days longer, at Dunbar.

Meanwhile, the Queen was not inattentive to her interest, and safety. From Dunbar, she issued, on the 12th of June, proclamations, calling out her lieges from the adjacent country ; and great numbers, from Lothian, and

the Merse, soon assembled around her :^a Animated by their presence, the Queen was so imprudent, as to take the field ; without waiting, for the junction of her many friends, or the distraction of her insidious foes.

She set out, from Dunbar, the scene of so many actions, on the 14th of June ; and marched forward to Gladsmuir, the field of civil conflicts, in other times : Here, was a proclamation read at the head of her army ; pointing out the falsehood of the rebels, which was sufficiently obvious, and detecting their professions, that were unquestionably false. She lamented the necessity, that had forced her to take arms, for the safety of her life ; and she trusted to the effectual aid of her subjects against rebels, who had put themselves in arms against her, and her laws, without any adequate cause. It required not, indeed, the energies of eloquence, to expose the falsehood of rebellion, or to detect the hollowness of the perfidy, with which every proclamation of the rebels abounded ; the genuine emanations of Morton's mind.

The Queen lay, on the night of the 14th, at Seatoun. On the morrow, she led her army forward to Carberry-hill. Meantime, about midnight of the 14th, intelligence reached

^a Birrel's Diary, 10.

Edinburgh of the Queen's movements. The insurgents, immediately, marched out, to meet the royal army. When the rebels thus approached the Queen's forces, Le Croc, the French Ambassador, who attended the Queen, advanced to the insurgent chiefs, in order to effect an accommodation: He assured them, on the Queen's part, that she was desirous of preventing bloodshed, among her people, and wished for peace; and for those ends, she offered to grant them particular pardon, and general oblivion of what was past; and she solemnly promised, that they should be all indemnified, for taking arms against her. To this princely offer, Morton, in the name of his associates, made answer, that they had *taken arms not against the Queen*, but against the murderer of the King, whom if she would deliver to punishment, or exclude him from her company, she would satisfy all their desires; and restore to her the submission of her subjects; but, if she refused those conditions, no peace could be made: And he added, with the assurance of his nature, *that they were not come to ask pardon, but to give it*. The ambassador perceiving, from such language, that the insurgents had other objects than reconciliation, withdrew, from this guilty scene, to Edinburgh.

Bothwell now dispatched a herald to the camp of the insurgents; with offers, to prove

his innocence, by single combat : Murray, of Tullibardin, and his brother James, who had placarded Bothwell, as the guilty person, both proposed to fight him ; but, the challenger objected to these, as unequal to him in rank :^b whereupon, Bothwell challenged Morton, by name, as the chief of the insurgents ; and he is said, to have accepted the challenge, to have appointed the conflict to be on foot, and the weapons to be *two-handed* swords. Lord Lindsay now interposed ; beseeching Morton to allow him the honour of proving Bothwell's criminality ; and Morton is said to have gratified his friend, by relinquishing to Lindsay such an honour ; and gave him *the two handed sword* of the Earl of Angus, who is known, in Scottish history, as *bell the cat* ; a deadly weapon, which Lindsay wore throughout his bloody life. The Queen is said to have interposed. But, Morton was the peculiar object of Bothwell's challenge ; as he knew his guilt, and had experienced his perfidy.

In the midst of such fashionable fooleries, the Queen wished, for reconciliation, rather than bloodshed : and, for this end, she dispatched a herald to the insurgent chiefs, to request, that the laird of Grange might be sent to her camp, to confer with her, on the terms of peace.

^b Knox, 409. Spottiswoode, 207.

Grange waited on her, with full powers, to treat of amity. He began, by requesting, in their names, that Bothwell, as a suspected person, might be obliged to retire, from the field, till the crime of the King's death might be inquired into; and that the Queen would join them, and accept the counsel of her nobles, who would honour, serve, and obey her, as their sovereign. To this proposal, the Queen, readily assented, upon their promise of obedience. Whereupon Grange took Bothwell by the hand, and desired him to depart; engaging that no one should follow, or molest him: Bothwell now departed, finding he had but few friends. The Queen was thus induced to join the insurgents; and when she met Morton, the commander-in-chief, he said to her, with apparent reverence, Madam! here is the place, your Grace should be in; and we will honour, serve, and obey you, as ever the nobility of this realm did any of your progenitors before: and, they immediately ratified the treaty, which had just been made, by Grange, with the Queen, in their names, and by their authority. The great object of the insurgents was now obtained, by freeing their injured Queen, from thralldom.

In all their proclamations, as we have seen, they declared the injury done, by the ravishment of the Queen, and her freedom from captivity, as the aim of their rising in arms. As the chief

end of their insurrection had been now obtained, nothing remained but to convey the Queen to her palace, and to reinstate their sovereign, in her authority; considering that, in *their contemplation*, the Queen was innocent of any offence, at the epoch of her surrender, on the 15th of May 1567. As the Queen was not herself perfidious, she did not suspect any perfidy, in nobles, who had so often acted perfidiously. The very first act of *Morton*, and his associates, in contempt of their treaty, was to conduct the unhappy Queen, all covered with dust, and bathed in tears, by a shameful procession, with a flag before her, representing the death of Darnley, along the crowded streets of Edinburgh, to the Provost's house. On the morrow, the insurgents displayed the same banner before the windows of the house, in which the captive Queen had been confined, during the preceding night. This display evinced to her astonished eyes what fate awaited her. The tradesmen of Edinburgh felt for their fallen sovereign. They cried out shame, and vengeance. They were about to unfurl their standard of insurrection, which the whole tradesmen of Scotland were bound, by their several constitutions, to join, and support. The quick eyes of Morton saw his danger, from the pity of the women, and the spears of the men. A deputa-

tion of the nobles proceeded to pacify the tradesmen: they gave them assurances, “ that their intentions were no wise to thwart their sovereign; and that they meant, immediately, to restore the Queen to her palace, and authority:” they accordingly removed her, from the city, to Holyrood-house; while the citizens, supposing them sincere, quietly dispersed. Meanwhile the unhappy Queen, seeing, at length, the insincerity of the insurgent nobles, sent her secretary, Maitland, to his coadjutors to request, that the whole estates of the realm might be convened; as she was willing to submit to their judgment, for any thing, which might be laid to her charge, she being present, and heard. But, unprepared as they yet were, for such a constitutional meeting, Morton, and his abettors, utterly refused this just request. During the same night, the Queen was ordered to be imprisoned in Lochleven-castle, to which she was conveyed, by the Lords Lindsay, and Ruthven, two of the bloodiest nobles of a savage age, who had been engaged in so many conspiracies, and owed their guilty lives to the Queen’s beneficence.

The act of carrying the Queen a captive to the Provost’s house, on the evening of the 15th of June, instead of conveying her to her palace, was sufficiently outrageous, and contradictory

to their own treaty, at Carberry-hill : but, to commit the Queen, in the night of the 16th, *without a cause assigned, in the warrant of commitment*, was still more violent, contradictory to Morton's engagement, and inconsistent with the honour of Grange, who had negotiated her defection from Bothwell, on the explicit promise of being received, as Queen, and obeyed as their sovereign. They felt some *compunctious visitings of nature* : and, they now found it necessary, not only to deceive the people, but to quiet the scruples of such associates, as Athol, and Grange : Athol was a coadjutor of great weight, who had shown considerable repugnance ; and Grange was a soldier, who would not tamely compromise his honour. A letter was, on those motives, forged for the Queen, on this occasion, by Maitland, and Morton, probably, which they pretended the Queen had written to Bothwell, the night of her captivity, from the Provost's house ; avowing her unalterable attachment to that unprincipled man, whom, she is made to call *her dear heart*, and whom she promises never to forget : and Morton, and his abettor, went into an additional circumstance of falsehood, by asserting, that she had given a reward to one of her guards, to convey her epistle to Dunbar, who honestly brought it to the associated nobles. Though

this supposed letter was certainly shown to Grange, who was not quite satisfied ; yet, the supposed bearer of it, who might have been crossed-questioned, was neither produced, nor named. When the momentary purpose was secured ; the letter seems to have been cancelled, by the same hand, that forged it : It was never shown to Throckmorton, while he carried on his discussions, with Morton, and his associates, during the subsequent month. It was never mentioned, during the tedious conferences, in England : But, though the letter was not produced, as a document, yet Murray, with his Commissioners at York, reasserted the same falsehood, with the same design of gaining a temporary belief. This despicable forgery being thus abandoned to the fate of imposture, was not, even by Buchanan, adopted into his history. Hume, while he suspected the fabrication of the letter, adopted, and amplified its falsehoods, by confounding Murray's *assertions*, with the *contents* of the letter. Robertson embodied into his history the falsehoods of the letter, without mentioning it, or insinuating any suspicion of its spuriousness.

The fact is, after all those investigations, that Morton, and his abettors, soon relinquished the *fabrication*, but long retained the *falsehood* : The prescient Cecil, on the 25th of June, ten

It is now time, to return to Mary, and to Morton. Even after the Scottish Queen had been confined in Lochleven-castle, the conspirators were still at a loss what to charge upon her, what to decide, and where to proceed. On the 16th of June, the day of her commitment, they entered into an association, which has been falsely called the *first bond*, though in fact, the *secret bond* was the first, which they made, at Stirling, when they, originally, conspired, "with devilish plots," the Queen's dethronement. The recital of this second bond, like the preambles of their proclamations, was full of contradiction, and falsehood: And yet has those recitations been embodied, into history, as the most absolute verities. In what they say of the trial of Bothwell, they add dissimulation to falsehood; as Morton managed the acquittal, and his coadjutors assisted him. While they try to turn the publick indignation on the unhappy head of Mary: Yet, do they not impute any crime to her, whom they still consider, as *their sovereign*; and whom, they still avow, as the object of their deliverance, from Bothwell's thralldom, and her constrained marriage: And all this the conspirators avow, with very uncommon assurance, while *their sovereign* was their own prisoner; and might have been restored, by their command, to her palace,

and her power. At the end, of sixteen days intrigue, the provost, and magistrates of Edinburgh, adopted this confederacy: on the 2d of July, the town council being convened, the Earls of *Morton*, and *Athol*, presented “the most *honourable*, and *Godly* band, lately made, and subscribed, by the nobility of this realm;” which being read, they all approved, in one voice. The same town, which had been disposed, by pity, to rescue the unhappy Queen, were induced by artifice, in less than three little weeks, to confine the same Queen in prison, on false pretences; and to dethrone their innocent sovereign, without any real cause: While, the same miscreant, who had managed the acquittal of *Bothwell*, now made use of the same means, to deceive the metropolis into the guilty aims of his deceptious measures.

Two days after the Queen’s confinement, in *Lochleven-castle*, the conspirators, with *Morton*, at their head, seized her *plate*, *jewels*, and *moveables*, within her palace of *Holyrood*.

We are now arrived at the 20th of June 1567, which will always be memorable, in the memoirs of *Morton*, and of *Mary*; as the epoch of finding her *silver casket*, with the letters, sonnets, and contracts. which *Morton* is said to have intercepted; and which have occasioned so much controversy. The finding of those

papers, or not, depends wholly on the assertions of the most profligate of men. Yet, were those papers of that importance, as to be made the chief ground of a *revolution*: Of imprisoning a Queen; of depriving her of sovereignty; of transferring her crown to her infant: And, yet, there were no collateral circumstances collected, and ascertained, for satisfying mankind, that papers of such prodigious import had been ever found. They were received upon trust, from the story of Morton. When this man came, in the progress of his villany, to make his confession on the block of shame, he said not a word of those papers; at least nothing was inserted about them, by the clergymen, who drew, and certified his confession: Yet, in this confession, are there facts, which cast much light on this obscure subject: During the anxious month, which preceded the murder of Darnley, while Bothwell, continually, solicited Morton, to countenance that odious deed, Morton, constantly, asked Bothwell, for some writing of the Queen, which would evince her assent to her husband's murder: Yet, Bothwell never communicated to Morton any writing of the Queen, which would have been so important to Bothwell, for gaining Morton, to so fatal a measure. We must now infer, as Morton understood the matter then, that Both-

well really had not any writings of the Queen. While she was a prisoner, in England, the Queen heard, that her enemies, pretended to possess some such papers : And, she instructed her commissioners, at York, to assert, that such papers she had never written ; and if such were produced, to insist, that they must be forgeries ; as several persons, in Scotland, could imitate her writing, alluding, no doubt, to Secretary Maitland. The question, then, is, whether we shall give most credit to the story of Morton, or to the asseveration of Mary : Morton, as we have seen, was a man of utter wickedness, of notorious perfidy, of such well known villany, as to be capable of deliberate falsification : Mary, as we have seen, was zealous of her honour ; and when she came to the scaffold of Elizabeth, we see none of the tremulations of guilt, in Mary : She died under the axe of Elizabeth, with the firmness of a martyr, the faith of a Christian, and the magnanimity of a Queen. Upon all those views of this interesting subject, I will submit to the judgment of every reader, whether Mary, or Morton, be the most worthy of credit ; and whether the casket, and its contents, had any existence, on the 20th of June, or even on the 21st of July 1567. The prescient Cecil knew nothing of the casket, and its contents, when he wrote his before

mentioned letter of the 26th of June, or even, when he sent off his subsequent dispatch of the 14th of July, when his epistles were occupied, with no greater news, than this of Scotland. And, yet, when the great object was to disgrace the Scottish Queen ; and when it was so important a point, to find some documents, to justify their predetermined purpose of dethroning her ; the discovery of such a casket, with such writings, would have been the greatest of great news. The first intimation, which Cecil, probably, received of such a discovery was from the envoy Throckmorton of the 25th of July 1567, from Edinburgh. “ The Lords,” said he, “ mean to charge the Queen with the murder of her late husband, whereof they have, as apparent proof as might be ; as well by the testimony of *her own hand writing*, which *they have recovered*, as also by sufficient witnesses.” Such, then, were the assigned motives, of those nobles, for taking up arms, immediately after Mar’s *constrained marriage* ! But, *Morton*, their leader, does not say, on the 21st of July, that he had discovered, on the 20th of June preceding, such a casket, containing writings of the Queen, which would have rendered her unworthy of their arms : No : Those nobles only considered her as *injured*, and *oppressed*, and *constrained*, but not as *criminal*, not as *blameworthy* : And,

they took arms, to free her from the bondage of Bothwell: After all those avowals of the chief conspirators, it may well be asked, had those nobles before them, on the 21st of July, the Queen's casket, with her letters, her sonnets, her promises of marriage, which would have shown her baseness, expressed her shame, and proved her guilt. The answer must be that, as they had not before them such important documents, on the 21st of July, such letters, sonnets, and other writings, did not then any where exist.

The history of those writings is so singular in itself, and they are so connected with the several characters of *Mary*, and of *Morton*, that it may gratify a just curiosity to trace it a little further. The story, which the conspirators, obscurely, related of the discovery of the casket, and its contents, was, that *Dalgleish*, one of *Bothwell's* servants, was sent by him, to *Sir James Balfour*, the commander of *Edinburgh-castle*, for that casket of writings, soon after *Bothwell's* flight, and *Mary's* imprisonment; but, that the faithless *Balfour* sent notice to *Morton*, of his having delivered such a casket to *Dalgleish*. The first observation, arising out of this story, is, that *Balfour* had been gained, by *Melvill*, to the conspirators, as early as their first meeting, at *Stirling*: but, he never men-

tioned the casket, which was worth its weight in gold to the conspirators : When Balfour was laboured, for hours, by Sir James Melvill, to join the conspirators, he said not a word of the casket : The fair inference is, that Balfour had no such casket, in his keeping. The second observation must be, that Mary, and Bothwell, knowing the defection of Balfour, did not seek their safety, in Edinburgh-castle, but in Borthwick-castle, at some distance. After all was lost, on Carberry-hill, would Bothwell send a servant to so tainted a person, as Balfour, for such a casket, containing such writings, at such a moment ?^c Birrel, who notices in his Diary, the arresting of Captain Blackadder, on the 17th of June, has not a

^c Of Sir James Balfour, the brother was Gilbert Balfour. He was denounced, in one of the placards, as a person, who was in the knowledge of Darnley's murder. *Cabala*, Part i, 126. In the spurious letter, from the Earl of Lennox to Mary, (17th March 1567,) which was fabricated by Buchanan, and published, in his *Detection*, Mr. James Balfour, and Gilbert Balfour, his brother, are specified among the persons, who were suspected of the murder. Anderson's *Col.* ii. 3. The castle of Kirkwall was committed to the charge of Gilbert Balfour, when Bothwell, as Duke, became superior Lord of Orkney, in May 1567. When Bothwell retired into Orkney, as we have seen, in August 1567, Gilbert Balfour denied him entrance into the castle of Kirkwall, the metropolis of Orkney. Spottiswoode, 213.

word of the intercepting of Dalgleish, with such a casket, on the 20th of June, or on any other day. The contemporary history of King James, however minute, though it mentions the arrest of Blackadder, and Sebastian, on the 17th of June; yet, says not a syllable of Dalgleish, with so remarkable a casket. Sir James Melvill, the confidential agent of the noble conspirators, though he was a busy actor in that singular scene, says not a word of Dalgleish, and the casket, in his minute memoirs. Dalgleish was, undoubtedly, arrested about the 26th of June 1567; as on that day he was examined upon oath, by the Earls of *Morton*, and Athol, the provost of Dundee, and the laird of Grange: But, though he was questioned, concerning his knowledge of Darnley's murder, and he gives a minute account of that mysterious deed; yet, he says nothing of the casket, and its contents.

The first avowal, by publick authority, of those notorious writings, was in a great council, which was held on the 4th of December 1567, for deliberating on what should be said, and done, in the ensuing Parliament, on the Queen's imprisonment. Murray, the Regent, and Morton, the Chancellor, were present. They resolved to defend every act of the conspirators, from the epoch of Darnley's murder,

by charging the Queen, after so many acquittals, in the proclamations, and proceedings of the conspirators, with whatever had been done as the Queen's *own fault* ; which appeared, by her privy letters, written, and subscribed, with her own hand ; and sent, by her, to James Earl Bothwell. But, it is not stated on whom, or by whom, these writings were found. Morton's merit, in discovering such important papers, is studiously concealed. Dalgleish, who was not executed, till the 3d of January thereafter, was not examined, on this head, when this information would have been so important. Sir James Balfour, who sat, in that council, was not asked a single question, about his receiving such a casket from Bothwell, and delivering the same casket to Dalgleish. It was avowed, that there was no means other than those writings, to justify the imprisonment, and the resignation of the Queen, the coronation of her infant, and the Regency of her brother ; yet is there no examination, or proof, or enquiry, how those writings were found, or by whom : And Morton seems, from providential motives, to have so long kept the casket behind the scene, during so many obscure, and desperate acts. The first avowal of the interception of Dalgleish, with such a casket, containing such writings, was,

in Murray's fabricated journal, during May 1568:^d Yet, Morton is not mentioned in it, as the lucky discoverer of those scandalous writings.

Pressed upon equally by Elizabeth's applications, and his own apprehensions, Murray resolved to depart a little from his reserve, with respect to those secret writings. And, early in June 1568, he sent his Secretary Wood to the English court with *translated copies* of the letters, for the perusal of Elizabeth, and the consideration of Cecil. They were translated, from the French, into *our language*, the speech of Scotland, no doubt, in order to enable Elizabeth's judges, to decide, whether they, [Murray, and Morton] had proved *their cause*, [Mary's guilt,] if the original letters reserved, should agree with the copies sent.^e Elizabeth, and Cecil, were now put into possession of their proofs against the Scottish Queen, provided the copies, which were sent by Wood, should agree, upon colla-

^d Anderson's *Coll.* ii. 277. The contents of the Journal evinces, that it was fabricated, in May 1568, rather than in November, or December preceding, as Whitaker insists; for the purpose of supporting the writings, and defaming the Queen. It answered the delusive purpose of Robertson, to quote that obvious fabrication, as if it had been a real diary of events, as they daily passed.

^e Goodall, ii. 76-6.

tion, with the originals, that remained, in Morton's hands. And, Elizabeth, and Cecil, soon resolved, that *the collation* would be best made, by her Commissioners, in England. We now see, amidst so many dark designs, upon the open stage, *originals*, and *copies* of the privy letters of the Scottish Queen. When those *privy letters* were produced, in the Parliament of December 1567, they appeared in the vulgar language; when they were afterward, in secret manner, communicated to Elizabeth's Commissioners, at York, they appeared, certainly, in the vulgar language; and in the vulgar language, extracts were made by them, and sent to Elizabeth, who already had copies.^f It was the great achievement of Goodall, to demonstrate, that the originals of those *privy letters* were written in the *vulgar language* of Scotland, and not in French, or Latin.^g The *trick* of translating into

^f Goodall, ii. 139-153; Anderson's *Col.* iv. p. ii. 58: The fact is, that those very extracts, which have been made, by Sir Ralph Sadler, one of those Commissioners, have been recently given to the publick, in the vulgar language, in Sadler's State Papers.

^g Those *privy letters* were very singular epistles, indeed: For, as the bishop of Ross, in defence of Mary, in December 1568, informed Elizabeth "they are not *subscribed* by the writer of them, nor *sealed*, nor signed, and contain no date of year, month, or day, and are not *directed* to any man." Goodall, ii. 389.

the French language privy letters, which were written, in the vulgar language, was only another act of the drama of artifices, which Murray, and Morton performed, in concurrence with Cecil, and Elizabeth, during the last seven years. But, Murray, and Morton, must continue to perform their several parts, in England, when those copies were to be collated with the singular epistles, which the Bishop described to Elizabeth. And, for this end, Murray the Regent, on the 16th of September 1568, received the casket, and its contents, from Morton, the Chancellor; giving a formal receipt for both; and a solemn assurance, that both the casket, and its contents, should be returned to Morton, and his coadjutors, in villany.

^a See the receipt, from the Privy Council Register, in Goodall, ii. 90. The object of this paper was to give a sort of *authenticity* to the casket, and its contents, and not dignity, as Dr. Stuart remarks: This paper describes minutely the casket, and its contents, as taken from the *late* George Dalgleish, on the 20th of June 1567; but, with a discreet silence, it does not say, that Morton had intercepted such a casket, with such contents: And yet, it plainly insinuates, that Morton, and his noble abettors, had an interest in the casket, and its contents, as the *safest shield* of their actions in arms, and in artifice, from the epoch of their conspiracy; as if they had not avowed, a thousand times, from that epoch till the resignation of the Queen, that their objects were the safety of the prince, and *her relief from thralldom*.

Yet, may it gratify a just curiosity to enquire, when, and where Morton did find that casket, and its contents. The agents of Murray, and Morton, did, in secret, offer to swear to the genuineness of the *privy letters*, and other written contents of the casket before Elizabeth's Commissioners, at York: But, of Morton's finding the casket not a word was whispered. On the 9th of December 1568, during the enquiry, at Westminster, Morton, attended by his colleagues, came before the Privy Council, and said that, "Whereas he had before declared by speech, the manner how he came by the coffer, with the letters, sonnets, contracts of marriage, therein found, and theretofore exhibited; he had caused the same to be put in writing, and subscribed, and desired to have it read: And, this being done, he avowed upon his *honour*, and the *oath*, that he had already taken, the same declaration to be true; the tenor whereof followeth:¹ Happy had it been,

¹ Goodall, ii. 230, from the Scottish Queen's Register: But, *the tenour does not follow*: Neither can that declaration of Morton on oath, any where be found. Goodall, i. 48. This declaration of Morton appears to have been read by the Privy Council, at Hampton Court, on the 14th of the same month. Goodall, ii. 256. It then disappeared; and has not since been seen. Suspicion is the never failing attendant of obliquity, and guilt. At the end, however, of

for the credit of Morton, if any credit he had, after so many crimes, and so much perfidy, if Sir James Balfour had been examined on oath before the Privy Council, a twelvemonth before, when the Queen's *privy letters, written, and*

Buchanan's *Detection*, in English, which was printed, at London, in November 1571, there is the following *memorandum*, which is supposed to be Morton's declaration : " that in the castle of Edinburgh, there was left by the Earl of Bothwell, before his fleeing away, and was sent for, by one George Dalglish, his servant, who was taken by the Earl of Morton, a small gilt coffer, not fully a foot long, having garnished in sundry places with the Roman letter F, under a King's crown, wherein were certain letters and writings well known, and by oaths to be affirmed, to have been written with the Queen's own hand to the Earl Bothwell. There was also a promise of marriage written by the Queen. Avowing such to be their real motives, they had obtained their objects, when the Queen, on the 15th of June, at Carberry-hill, put away Bothwell, and surrendered herself to them, upon the *legitimate terms*, of being received, as their Queen, and restored to her authority: Had they fulfilled their own engagements, at Carberry-hill, what documents could they want, for their defence? What was the documents, for defending their breach of engagement to the Queen, and degrading their sovereign, when they led her a captive to her capital: The answer must be, *a forgery*; the fabrication of a letter, which could not exist. When Morton, and his abettors, committed the Scottish Queen to Lochleven-castle, without *cause shown*, or a cause to show, four days before the casket was found, what documents had

subscribed, with her own hand, but not the casket, were first mentioned, in any publick council, whether he had delivered such letters, or such a casket, to Bothwell's servant, to be by him carried to his master. Happy, had the same servant, Dalgleish, who was then, in Edinburgh, been examined, at the same time, whether he had received such a casket, and from whom. Happy, if every person, who had the least knowledge of the discovery of such a casket, had been brought to declare, on their several oaths, their knowledge of such a discovery, in secret, and so long kept a secret. Happy also had it been for Morton's character, and the authenticity of the casket, and its contents, had he early disclosed before the Privy Council the whole facts, relating to both, and delivered the casket, and its contents, to the Lord Clerk Register, for the publick benefit, rather than consider, and conceal both, as his private

defend that detestable act? The answer must be, in the language of Shakspeare :

“ — Thieves, for their *robbery*, have *authority*,

“ *When judges steal themselves.*”

When a chancellor of Scotland could commit murder, privy conspiracy, and rebellion, what could be expected, from such a miscreant as Morton, but the despicable trick of finding a casket, and its contents, when, and where, none could be found.

property. Cecil was not a Secretary. who would accept imperfect evidence, when better could be had, concerning any fact, which he thought important. He required Murray, Morton, and their colleagues, to give in a similar declaration to Morton's, not indeed, disclosing how the casket was found, but avowing the contents to be originals, and authentick.^k

^k See this declaration, dated the 10th of December 1568, in Goodall, ii. 92 : The Regent Murray, the chancellor Morton, and their three colleagues, declared, on their *honours*, and *consciences*, that the missive letters, produced by them [in the French language] sonnets, contracts of marriage, are written, or subscribed by the Queen's hand, which were intercepted, and came to their hands, as before declared; and that the said missive writings, sonnets, and contracts, were *undoubtedly*, the said Queen's proper hand-writing. They do not pretend to have seen the said Queen write those papers; yet, they *positively* testify, avow, and declare what they did not certainly know. Such testimony is always hazardous, and is generally false. The originals of the supposed letters were undoubtedly, in the vulgar language; as Murray's assistants, Maitland and M'Gill, Buchanan, and Balnavis, when they communicated the *Queen's privy letters*, in the *vulgar language*, affirmed, and offered to swear, were in her own hand writing, indeed. Goodall, ii. 142. The privy letters, which were declared, by Murray, Morton, and their colleagues, on the 10th of December, to be the real letters, and in the hand writing of the Scottish Queen, were, in the *French language*. Ib. 235-56. The identity of the supposed letters is proved, by the matter being the same, but in

Cecil having now obtained these solemn declarations, both of the discovery, and the authenticity of the sundry letters, written in French, with other documents, caused them to be read, with the *French* letters, before the Privy Council of the 15th December, 1568, at Hampton Court. Cecil, who played a zealous

different languages, But, truth is always the same: And the contradiction, and absurdity, of declaring privy letters, in different languages, to be the real hand writing of the Scottish Queen, is one of the strongest proofs of their fabrication, and of the cheat of those juggling fiends, that paltered with us in a double sense; that were in the habit of deliberate falsehood; and were in the practice of the greatest forgeries. A thousand facts, which have been already ascertained, prove the contents of the casket, to be feigned, and false. The Scottish Queen affirmed them to be forgeries. The very refusal of Elizabeth, and Cecil, to show the originals of those documents, or to communicate copies of them to Mary's Commissioners, evinces the conviction of Cecil, and Elizabeth, that they were feigned, and unfit to be seen. The convention of five-and-thirty nobles, at Dumbarton, in September 1568, had already declared, that the writings, which had been produced in Parliament, as the Queen's hand-writing, were not her hand-writing. Goodall, ii. 301. If the privy letters, which were produced, in the Parliament of Scotland, be the same privy letters, that were produced in the Privy Council of England; then should we have the affirmation of five-and-thirty prelates and nobles, in direct contradiction to the solemn declaration of two prelates, and three nobles, who could not boast much of their veracity.

part in the tragedy of dethroning, and defaming the Scottish Queen, either thought these French letters, and other documents too good, or too bad, to be communicated to the Queen, who had a right to see them, though he had taken an oath of fair pleading, cannot be allowed to have played well his part of impartiality.

The same curiosity, which has traced the casket and its contents, from Edinburgh to London, may be desirous to follow the same casket, and its contents, from Hampton Court to Scotland. They were both returned into the hands of Murray, who was allowed to depart with both, and a loan of 5000*l.*, on the 12th of January 1568-9.¹ The casket, and its contents, remained with Murray, till he expiated the revenge of Hamilton, in January 1569-70. The Regent Lenox now regained the casket and its contents, from Murray's servants. When Morton was about to set out, as a new commissioner, for Elizabeth's court, he could not depart, without the casket, and its contents, which were now increased to *one-and-twenty* pieces, as his "pondrous shield, hung on his shoulders, like a moon." For this wonder-working casket, he gave a formal receipt to the

¹ Goodall, ii. 309.

Regent Lennox ; with an obligation to return, the same, and to deliver the said box, and its epistolary contents: Yet, did they remain, in Morton's gripe, till he was, in his turn, charged, in January 1581, with the King's murder, when this guilty man had expiated, on the scaffold, his falsehoods, and his forgeries, his murders, and his treasons, the casket, and its contents, came into the possession of the Earl of Gowry, another conspirator, whether from the bastards of Morton, or the Earl of Angus, is uncertain. When Elizabeth, on whatever motive, wished, in 1582, to obtain the casket and its contents ; they were traced to the Earl of Gowry, when the Scottish people seem to have forgotten them, or rather to have never known them.^m The ambassador, Bowes, appears to have tried his arts, in vain, on Gowry, to induce his presentation of the casket, and its contents, to Elizabeth: but, she expected liberality when she would practise none. The Scottish Queen continued to speak of the contents of the casket, "as the *counterfeits* of her rebels;" and Queen Elizabeth *wished to countenance, and defend them.*"

^m Robertson's Hist. ii. 377—81: "The *coffer*," said Bowes, on the 8th of November 1582, from Edinburgh, "had been delivered to sundry hands; and thereby was, at present, wanting, and unknown where it rested." *Id.*

ⁿ *Ib.* 379-80.

We thus see some interesting traits of character, in the rival Queens, who both knew the contents of the casket to be forgeries: Mary, from the magnanimity of her nature, despised them, as spurious; Elizabeth, from the baseness of her habits, wished to nurse them, as legitimate, in their birth, and useful in their lives. Gowry, who was the son of Lord Ruthven, one of the principal assassins of Rizzio; and who, amidst a thousand crimes, had himself, carried the Scottish Queen to Lochleven-castle, had, very different objects, and aims: after the long entreaty of Bowes, and some subterfuges of Gowry, he very plainly told Elizabeth's envoy, that he could not deliver the casket and its contents, without the assent of the king, "and of the associates in *that action*," of dethroning the Queen. We thus see the casket and its contents, considered as a sort of *general pardon*, for the various crimes that had been committed, by guilty Morton, and his nefarious colleagues, from the epoch of their conspiracy. Robertson insinuates that James may have destroyed the contents of the casket, when he put Gowry to death, in 1584.^o But, it had been a wiser act of James, if he meant to protect his mother, to have, by publication, put such absurd forgeries

^o Hist. ii. 384.

into every ones hands, for their detection, and disdain.^p

It may be an additional gratification to a reasonable curiosity, to trace the fate of the other jewels of the Scottish Queen. A few days after Mary was committed, without a cause, to Lochleven-castle, Morton, and his associates in conspiracy, seized her *jewels, plate, and other valuable moveables*, in Holyrood-house.^q The casket, and the jewels, thus came into the hands of Morton, about the 18th of June: the casket, he appropriated, as the proper coverture

^p As Morton certainly never redelivered the casket, and its contents to Lennox, they must have remained with Morton till his death. As the Earl of Angus became his heir, the casket and its contents must have come into his hands: thus did they come into the possession of the Douglas family. And an historian, who wrote about the era of the restoration, affirms, that the casket, and its contents, were then in the archives of the Marquis of Douglas. Goodall, i. 35-6. The copies which remained with Cecil, in January 1569-70, the copies, which were delivered to Lennox, in January 1581; cannot any where be traced. Even the declaration of Morton, as to the finding of the casket, and its contents, has disappeared. From all those circumstances, we may infer, as Elizabeth was ashamed, or afraid to communicate the contents of that casket to the Scottish Queen, if the casket and its contents had been sent to Elizabeth, when Bowes pressed Gowry on the point, that they would have been destroyed, as disgraceful to the forgers, and discreditable to herself.

^q Calderwood's MS.

for the privy letters, that had neither subscription, nor superscription, nor seal, nor address to any man ; and the Queen's jewels, Morton delivered over to Murray, when he became Regent : and, Murray gave some of them to Elizabeth, and her ministers ; some of them he presented to his own wife ;^r and the remainder of those jewels, and plate, with some others of those valuables, he appropriated, as his own, and finally sold in Flanders, and in France.^s When he died, his widow married Sir Colin Campbell, of Boghan : but, the lady, and the jewels, Sir Colin did not long enjoy quietly. When Morton, the last of the four Regents, obtained possession of this violent government, amongst the variety of his rapines, he reclaimed the jewels from Murray's widow, as the property of the crown, before the Court of Session. In vain did Sir Colin, assert, when he came before the Privy Council, that the jewels had been pledged to his wife, for their full value. Morton obliged him to deliver them into his rapacious hands.^t

The imprisonment of the Queen, as it dissolved all commissions, put an end to all legi-

^r Goodall ii. 128 and 293 *Ib.* 338-40. ^s Jebb, ii. 219.

^t Crawford's *Officers of State*, 101, who quotes the Privy Council Record.

timate government. The Lords of Session, with their officers, and lawyers, fled before such violence, from the seat of justice. Morton, and the other usurpers, as *the secret council*, issued a proclamation, directing the college of justice to return, and sit, for the administration of justice, on the penalty of being punished as *the authors of the King's murder*.^u In this spirit, the Secret Council directed the two Blackadders, Edmonston, and Fraser, “to be put in the irons, and torments, for discovering the verity.”^x Whatever those persons said, when under the rack, the Secret Council did not think fit to publish. They seem, however, to have been all put to death.^y Amidst those guilty scenes, Villeroy, the French ambassador, arrived,

^u Keith, 406. Under the Regency of Morton, the murderer, it became one of the usual, and artful penalties of every denouncement, that the parties should be punished, as accessories to the King's murder. Keith, throughout. The *Secret Council* consisted of the Earls of Morton, Athol, and Mar; the Lords Hume, Ruthven, Sempil, Sanquhar, and Ochiltree. Such were the guilty usurpers of the Queen's authority, and the people's rights. ^x *Ib.* 406-7.

^y Calderwood's MS. In the depositions of Powrie, Dalgleish, Hay, and Hepburn, on the 23d and 26th of June, 3rd of July, 13th of September, and 8th of December, there is not a word said of the concern of those four men, or of Captain Blackadder, who was executed as a traitor, on the 24th of June. Anderson's Col. ii. 165-87.

at Edinburgh : and requesting to see, and speak with the Queen was refused, in such terms, as induced him to return home, without effecting his object, whatever it were.^a In this manner did Morton constantly prosecute the course, which he had begun with courage, says the historian of the Douglasses, overcoming all difficulties, which were neither small, nor few before Murray's return.^a His associates, says that writer, found those difficulties more than they expected : they had promised themselves the approbation of all men, and the aid of the best affected : but, it fell out far otherwise ; for popular envy being diminished, the confinement of the Queen begat commiseration ; and duty restrained some, and fear of the event kept others in suspense.^b

The great body of the nobles were, meanwhile, astonished at the daring proceedings of the *Secret Council* of four Earls, and five Lords ; and felt indignant, that so few of their body should presume to seize the capital, imprison

^a Birrel's Diary of the 26th of June 1567 ; contemporary Hist. of K. James, 22. ^a Godscroft, 299.

^b Godscroft, 299 ; Buchanan, b. xviii ; and Spottiswoode, 208, subjoins, " that the common people, also, who a little before seemed most incensed, pitying the Queen's estate, did heavily lament the calamity, into which she was fallen."

the Queen, and rule the nation. A convention of nobles, avowing such sentiments, assembled, meantime, at Hamilton. They now professed their indignation at the Lords of the Secret Committee, whom they condemned, as guilty of the highest crime.^c Under such circumstances, the Secret Committee felt their situation to be critical; finding few to join them, and the people generally hostile to them: the conspirators had quite deserted their cause, if Morton had not persuaded his colleagues "to remain together, at Edinburgh, and to write conciliatory letters to the lords, that were assembled, at Hamilton;" desiring them to come to Edinburgh, in order to concert common measures, for restoring the disordered government of church and state.^d But, the lords of the convention would not even receive their messenger.^e The murderer Morton, and his guilty colleagues, were driven, by that repulse, to a fresh device: they tried to get the church assembly, which had convened, at Edinburgh, on the 25th of June 1567, to interpose: and, as the pretext assumed, was a deliberation for the benefit of

^c Spottiswoode, 208.

^d Godscroft, 299—300.

^e *Id.*; Knox, 410; Spottiswoode, 208; Buchanan, lib. xviii. who adds, that the lords, who were assembled, at Hamilton, did not spare their reproaches.

religion, and its ministers, the assembly, whereof Buchanan was the *moderator*, readily entered into the views of the conspirators: the assembly, actuated by the same passions, and the same ends, wrote to the lords at Hamilton, to enter into the same views: the assembly appointed a committee to enforce their requests: the assembly even denounced those nobles as unworthy of *the religion*, if they should decline to adopt their measures; “considering that God, at this present, has offered some better occasion [by the Queen’s confinement] than in times passed; and has begun to tread down Satan under foot;” [has imprisoned their sovereign.] It is remarkable, that in all those guilty proceedings, either of Morton, and his abettors, or of the assembly, though there may be insinuations hazarded, there is not any criminality imputed to the unhappy Queen, while her ruin was the object. And, in order to carry their ultimate measure into effect, by popular delusion, this criminal assembly appointed several *fast days*, which were to be held, only, in Edinburgh, from Sunday the 13th to Sunday the 20th of July 1567.* Morton, and his abettors, in order to give greater efficacy to all those insidious measures, commanded, on the 7th of

* Spottiswoode, 208-9; Keith, 574-5. ‡ Keith, 576.

July, the people not to pay any rents, or taxes, to Cockburn, the Queen's receiver; charging him, at the same time, as one of the King's murderers.^b It is certainly very horrid, to see Morton, who was afterwards convicted of the King's murder, charging every one, who would not support his traitorous measures, with that odious crime.^c

Morton, and Athol, meantime completely gained to their guilty cause, the magistrates of Edinburgh. The metropolis now adopted the association of the conspirators, who kept an armed force, within the city. Fearing some hostile attempt might be made on the capital, the magistrates caused the citizens to arm. They even entered into a sort of compact with Sir James Balfour, the Governor of Edinburgh-castle.^d In the meantime, the church assembly, by their various intrigues, gained other persons,

^b Keith, 410-11.

^c It is not less horrid to see Secretary Cecil, writing on the 14th of July, to the Ambassador Norris, at Paris: "If Bothwell might be apprehended, I think the Queen there shall be at liberty, for the nobility;" and, by the same dispatch, supplying means, for the return of Murray, who was on the wing, for Scotland, to dethrone her. Cabala, 129.

^d Keith 410: Maitland's Hist. Edin. 29. The league between the magistrates of the town, and Balfour, the Governor of the castle of Edinburgh, was ordered to be executed, on the 25th of July 1567. Id.

and towns, to aid Morton, and his abettors, against the Queen.

During those events, in Scotland, Elizabeth was not an inattentive spectator. She early resolved to send thither the experienced Throckmorton to observe events, and to take care of her interests.¹ Throckmorton's departure was delayed; because when his instructions were to be adjusted, the secretary found it impossible to bring his mistress to think exactly with him, with regard to the envoy's language, and conduct. And there is but too much reason, from the correspondence, and conduct of Throckmorton, in Scotland, to believe, that besides his avowed instructions from Elizabeth, he had private intimations from Cecil.^m Throck-

¹ Cecil, in his dispatch to Norris, of the 26th of June 1567, informed him, that "Sir Nicholas Throckmorton is shortly to pass into Scotland, to negotiate there, for the pacification of their troubles." In the same letter, Cecil directed Norris to facilitate the return of Murray from France to Scotland, as soon as might be. Cabala, 128. It is apparent, that Cecil, and Elizabeth, thought differently on that occasion about the Scottish Queen and her kingdom. Cecil acted, decidedly, for the conspirators against Mary.

^m Keith, 414-15: In his dispatch of the 14th of July to Norris, Cecil says: "Sir N. Throckmorton hath been somewhat long in going to Scotland; and entered, by Berwick, on Monday last: I think the two factions of the Hamiltons, and the Lennoxes, shall better accord, than your neighbours,

morton was met, on the 11th of July, by Secretary Maitland, Lord Hume, and Sir James Melvill, who conveyed him under an escort of four hundred horse, on the morrow. But, it was by Maitland, that Throckmorton was best instructed, and completely deceived.* He was instructed to endeavour to prevail on the nobles to send the infant King into England : But, in this he failed. He tried to see, and speak with the imprisoned Queen : But, in this purpose, he was frustrated, by Morton's artifices, who probably had private intimations from Cecil :^o

where you now live would." Cabala, 129. Cecil knew, that Lennox had not any party, in Scotland, or indeed any where. The faction, which had imprisoned the Queen, had Morton for its head : but, he acted, merely, as the instrument of Murray ; and fell back into the second place, as soon as Murray arrived : By the same dispatch of the 15th of July, Cecil, being in the secret, gave Murray a credit, for money, to enable him to retire from France, and to return to Scotland.

* Keith 416 ; Robertson's Hist. *App.* xxi-xxii.

^o Throckmorton wrote Elizabeth, on the 21st of July 1567, that having pressed the Lords for an answer to such matters as he had proposed to them, the Earl of Morton answered me : " That shortly I should have answer from them ; but, the day being destined to the communion, continued preaching, and common prayer, they could not be absent, nor attend matters of this world ; as they must first seek the matters of God ; and take counsel of him, who

They deluded Throckmorton, by false information, of the Queen's sentiments, and intentions : They even made him believe, that their own intentions, with regard to her resignation of the crown, came wholly from herself. If so experienced a minister, as Throckmorton, had not been deluded by his own prejudices, and Cecil's arts, it seems impossible, that he could have been so misled, by the most artful misrepresentations. Secretary Maitland was the instrument, who was employed by Morton, and his secret council, to deceive Elizabeth's Envoy.^p There was a kind of general deception :

could best direct them." Keith's Pref. xi. What a wretch was Morton ! To consult a God, infinitely just, to direct them in the commission of the grossest crimes, and in the doing of actions, enormously unjust !

^p See Throckmorton's letter, abovementioned. Keith's Pref. xi. Maitland delivered to the English envoy a long paper inscribed, as the answers of the Lords of secret council. The topicks were such, that they felt it to be unsafe to sign it. Throckmorton asking the meaning of the words near the end of their paper *the necessity of their cause*, Maitland, shaking his head, cried out: "*You are a very fox.*" Maitland would not avow the meaning to be, that necessity might induce them to put the Queen to death ; as they had pretended a similar necessity, for sending her to solitary confinement in Lochleven. After calling the church assembly, contrary to Throckmorton's advice, and inflaming the members with fanaticism, he avowed, that the Lords of

The clergy deluded the people, while the preachers deluded themselves, by their fanaticism. The conspirators deceived each other. Maitland deceived Throckmorton: And in the midst of all those delusions, Cecil deluded Elizabeth, who had on that occasion some good meaning, which was perverted, by her minister, who meant to dethrone Mary, and to instal Murray, as Regent.

Amidst these delusions, the assembly of the church, which had been appointed to meet, at Edinburgh, convened on the 21st of July 1567.¹ Their endeavours to entice the nobles of Hamilton, to Edinburgh, with many smaller barons, and several towns, failed of the intended effect, though some of them sent apologies.² Yet, the zeal of the preachers, in various districts, induced many persons of less note to attend. This zealous assembly sat, at Edinburgh, on

secret council could not guide. He avows their purpose to compel the Queen, by whatever means, to resign her crown; and to confer it on her son. He says, that Knox, cried out for condign punishment on her: "For, they be very audacious;" says Throckmorton, "and it appeareth their hearts be marvellously hardened against their sovereign, which God mollify." *Id.* And yet she had been committed to Lochleven-castle, where she still remained, without a charge!

¹ Keith, 577, Pref. xii.

² Knox, 410; Spottiswoode, 200; Keith 408-577-8-9.

the 21st of July 1567, and on the four following days.* As the clergy lent themselves to the conspirators ; so were the conspirators now required to aid the clergy : And, they were both equally interested, though the clergy must be allowed, to have been most sincere. The assembly followed the footsteps of their predecessors, in 1560 : And one of their fundamental measures was an engagement to maintain the Parliamentary proceedings of 1560, for establishing *the religion*, and for the suppressing of papistry. They followed up this measure, by several resolves, for securing the patrimony of the church to the preachers of the true religion, though to regain the appropriations of the laity required many a struggle. Other measures, they at length adopted, which were of a more temporary sort ; and which being the great objects of this convention, were subscribed by every one of the assembly.† But,

* Keith, 577-81.

† Keith, 581-3 : At the head of the subscribers were *Morton*, and after him were the Earls of Glencairn, and *Mar*, the Lords Hume, Ruthven, Sanquhar, Lindsay, Ochiltree, Sir James Balfour, and Secretary Maitland : The 6th article was for the *punishment of the King's murder* ; *Morton*, and *Maitland*, being two of the murderers : Art. 7 and 8, were for defending *the Prince*, and for his godly education ; he being then quite safe in the castle of Stirling, and in the

the whole practice of that wretched age evinces, that subscriptions, and performance, were of very different execution. Though Morton, and his colleagues, had subscribed those various articles, which the zeal of the assembly had sedulously formed ; Yet, having obtained their treasonous ends, they forgot their subscriptions, and with their usual perfidy, violated their engagements."

Morton, and his conspirators, had now gained the clergy, and the populace, the town and the castle of Edinburgh, they had, in some measure, deluded Throckmorton, if he were not deluded by his intercourse with Cecil :

sure keeping of *Mar* : Art. 9, was, for obliging all future Kings, " to league themselves with the *true kirk* ; no other church being *true*, but theirs : And Art. 10, was an engagement of the nobles, barons, and other laity, to convene with their forces, for rooting out, and destroying all monuments of idolatry, throughout the realm, and to enforce their reformation, without exception of *place*, or *person* ; forgetting the act of the Parliament of April 1567, which renounced the papal authority, and gave universal toleration. *Ib.* 583. Throckmorton wrote Elizabeth on the 24th of the same July, " that they intended to proceed first with the Archbishop of St. Andrews ; and then against all other bishops, and *men* of his faction." Keith, 426. They even pointed at the death of the Queen, by demanding the punishment of the King's murderer, according to the *law of nations*, " *without respect of any person.*" Keith, 426.

" Knox, 410 ; Spottiswoode, 209.

And, they resolved, as they had overawed the opposing nobles to execute their original design of dethroning the Queen, by fair means, if possible, by forcible modes, if necessary.* With these views, Lord Lindsay was sent, from Edinburgh to Lochleven, on the 24th of July 1567, to obtain her signature to her resignation of the crown, and her appointment of a regency. He was selected, for such a business; as being the most ferocious in his manners, and most zealous in the religion.† When the Scottish Queen first heard this grievous proposal, she said, “ she would sooner part with her life,

* It is curious to remark on the informations of Throckmorton's letter to Elizabeth of the 25th July 1567, that Morton, and his colleagues, who had never charged the Queen, with any offence, in their former proceedings, at length intended, as they avowed to Throckmorton, to charge her with *three crimes*: With tyranny, in disregarding laws, to which she had never assented; with *incontinency*, as well with Bothwell, as others: with the *murder* of her husband, which they assert they can prove, by the *testimony of her own hand writing*, and also by sufficient witnesses. Keith, 426. Their previous silence disproves their subsequent imputations. That in such a country the conspirators, who made such charges, could have found witnesses to prove any thing is certain. That they fabricated what they could not find of her *hand-writing* is sufficiently apparent.

† Robertson acknowledges that “ Lord Lindsay executed his commission with harshness, and brutality.” Hist. i. 456.

than her crown."^a But, she was induced to regard the matter more considerately, by a verbal message, which Robert Melvill brought her, from the Earl of Athol, and Secretary Maitland, "as she loved her life, not to refuse any thing, that they did require."^a She was probably full as much moved, by a letter, which Throckmorton wrote her, informing her that any resignation, which she might make, in prison, and in fear, would not be considered by the world, as valid. After a while, considering all circumstances, she subscribed Lindsay's instruments of resignation, the tears running down in abundance from her eyes.^b

On the morrow, Lord Lindsay returned to

^a Spottiswoode, 211.

^a Goodall, 166, ii. 344. In answer to the Queen's complaint against Murray, and Morton, and their associates, at York, they asserted, with their usual effrontery, and falsehood, that her resignation had been *voluntary*. Ib. 146.

^b Spottiswoode, 211. It is said, by a somewhat earlier writer that "she neither *could*, nor *durst refuse*, for the messenger was commanded, in case she had refused, to denounce punishment, and death, unto her, for the murder of her lawful husband." Contemporary Hist. of King James, 26. Buchanan indeed says, "that they dealt with the Queen, to resign her government, on pretence of sickness, or any other specious allegation." All the instruments proceeded on a recital, which is not very veracious, "of her being wearied of the government." Keith, 430-2.

Edinburgh with the Queen's several deeds of resignation, which were bedewed with her involuntary tears. The deeds were immediately approved, by Morton, and his colleagues. And they now entered into a *second bond* of association; engaging to crown the prince, and to support him, as King.^c This bond lay long for subscription; and it was made a signature of faction to subscribe it. In order to carry its purpose into immediate effect, Morton, and his abettors, proceeded, from Edinburgh, on the 26th of July, 1567, to Stirling; carrying with them the sword, the sceptre, and the other *ensigns* of sovereign power.^d They appointed the coronation of the infant, being of the age of one year and forty days, to be performed, on the 29th of July, at Stirling. And they, at the same time, sent notice to the nobles associated at Hamilton to attend that solemnity.^e On the appointed day, a Privy Council was held, in the parish church, consisting of Morton, and his colleagues, with other persons of inferior rank: And here appeared Lord Lindsay, who on behalf of the Scottish Queen, gave in her resignation of her sceptre, and her rights to her son, to the effect, that he might be crowned,

^c Anderson's Col. ii. 240-2; Keith, 434-5.

^d Birrel's Diary.

^e Melvill's Mem. 165-7.

as King. They seem, in the mean time, to have established a new formula, for this ceremony; and a different coronation oath, from the old: As far as this oath required the "to root out all religions, but their own, and to persecute every person, holding a different opinion, from their creed, it was done by incompetent authority, against the *Proclamation act* of Parliament, in April 1552. This coronation oath, then, to say nothing of its intolerance, was illegal. According to the usual habits, they proceeded to interpolate the Queen's resignation, by inserting words and ideas, which she did not use: She gave authority to her procurators to make her resignation to her son: They introduced ceremonies, empowering her procurators to transfer to her sceptre, and rights, to the Three Estates, who were to transfer the same to her son. When all is violence, and perfidy, a few instances of illegality, and falsehood, pass unnoticed by history. According to the accusations of the Scottish law, Bellenden, the clerk, Knox, the preacher, and others, entered protests against all informal, and illegal proceedings, which were then performed: And Arthur Johnston protested, in support of the rights

^f Keith, 437-9.

Duke of Chattelherault. After all those formalities, the infant prince was carried, from the castle to the church, where he was crowned, and *anointed*, by Adam, Bishop of Orkney, the same prelate, who had married the Queen to Bothwell, and who became one of the most outrageous of her persecutors.^a Morton himself took the coronation oath, for the infant King; "and the man dreamed, but what the boy believed." After all those ceremonies, the Earl of Mar carried back the infant King to Stirling-castle; the Earl of Athol bore the crown; the Earl of Morton, the sceptre; and the Earl of Glencairn the sword.^b Throckmorton, the English envoy, during the coronation, was at Stirling, but not in the church; his cousin, Middlemore, who was attached to the commission, attended the ceremony.^c Be-

^a The *anointing* of the prince occasioned a sharp dispute; and the lamentations of Knox, and the preachers, at seeing that Jewish ceremony adopted. Calderwood's MS. history. Knox, however, made the sermon.

^b The contemporary Hist. King James, 27.

^c Throckmorton had asked Elizabeth's direction, whether he should attend the coronation, which he foresaw: And, in her letter of the 27th of July, two days before the ceremony, she made answer: "We think, knowing our mind, in all this action, as you do, that you will not, by any such act, affirm their doings: And, for your better satisfaction, we do prohibit you, to assent thereto, by any means." Keith,

fore this violent transfer of the crown, Morton, and his colleagues, calling themselves the *secret council*, absurdly, governed, in the name of the imprisoned Queen ; they now governed, in the King's name, till Murray assumed *the regency* : An infant King, and a governing regent, were circumstances so frequent, and so grateful, to the genius and the interests of the Scottish nobles, that we may wonder they did not establish it, as essential to their constitution, that their King should always be an infant, and their ruler a regent : The exchanging of such a Queen, for such a King, as James, even in his best days, only evinced the object of the conspirators to have been the inauguration of Murray, as Regent ; as the result of so much roguery, and violence.

The nobles, who achieved this revolution, have been variously called by different writers : Buchanan emblazons them, as “ the vindicators of liberty.” Knox calls them, with less eloquence, “ the lords, the honest lords.” Melvill denominates them, the enterprizers ; “ the lords enterprizers.” Robertson calls them the

Pref. xii. ; Ib. 430. Throughout his whole mission, Throckmorton acted contrary to his instructions ; as we may perceive from his dispatches ; as he was privately instructed, by Burghley.

confederates. His rival historian, Stuart, terms them, the cabal. In the manuscript of Spottiswoode's history, which Keith had seen, they were denominated rebels, to which he added, "for so they were styled till they prevailed:" But, in the printed copy the truth was softened, by calling them the lords. Goodall, Tytler, and Whitaker speak of them, indignantly, as *rebels*, as the rebel party. I have chosen to speak of them; as conspirators, both as consistent with the facts of history, and with an allusion to the conspiracy, which by able, and artful management, ended, as we have just seen, in the dethronement of the Queen, and coronation of her child.

This conspiracy began early in December 1566, at Craigmiller, and closed at the end of July 1567, at Stirling. It was founded on the knowledge, that Darnley, by his guilty, and perfidious conduct, at the murder of Rizzio, had forfeited the Queen's affections, and his own life. Secretary Maitland was the planner of the whole conspiracy; Morton was the conductor; and Murray was the gainer; while various persons, owing to their different connections, acted subordinate parts, in that fatal tragedy. The conspirators were foiled, in their first step, by the Queen's firmness, who would not even assent to the proposed divorce from

Darnley ; and who knew, as well as other married women, how wide the distance is, between the miffs of marriage, and the murder of the husband. Had the Queen been more compliant, the conspirators would have proceeded, as there is reason to believe, the full length against Darnley, of a parliamentary attainder, for his several treasons. But, as they were thus disappointed, in both those measures, they engaged in a plot, which was at once very deep, very daring, and very dangerous to the life of Darnley, the ruin of Bothwell, and the sovereignty of the Queen. They determined to take the life of Darnley ; to make Bothwell the instrument, as well of that odious deed, as of his own ruin ; and to involve the Queen, not so much in the guilt, as in the disgrace of such a deed. They engaged in their cabal, several considerable persons. Bothwell was easily induced, by his ambition, to enter into a design, which had Darnley's death, for its means, and the marriage of such a Queen, for its end. Morton, while an exile, at Newcastle, was easily gained, by the hope of restoration, to enter into their cabals : and, we have seen, in our progress, the conspirators, and their friends, join, zealously, in soliciting the pardon of Morton, which they effected about Christmas 1566, at the baptism

of the Prince.^k From the borders, Morton soon after returned to his house of Whittingham, where, we have seen Bothwell, and Maitland, in the very act of concerting with him Darnley's death;^l in pursuance of their written association, or bond. About the same time, Darnley was taken with the small-pox, at Glasgow, the seat of his father. Mary, as we have seen, sent her own physician to attend upon him; visited him herself; brought him with her to Edinburgh; and endeavoured to conciliate him, by every female attention, which wives know how to use. It was here, in the house of Kirk-a-field, that he soon after lost his life; in consequence of those cabals. From all these views of the facts, can any one doubt, whether Darnley lost his life, as the obvious consequence of those cabals, by the ablest, art-fullest, and wickedest, of mankind?

^k Bedford's letters before quoted.

^l Morton's confession; and Archibald Douglas's letter; both before quoted. We may recollect here, that Morton, when he was solicited, by Bothwell, to lend himself to that murder, asked Bothwell, for *some writing* of the Queen, to evince her assent to that deed, as he pretended; but, as low down as the 1st of February 1566-7 (the murder being committed in the night between the 9th and 10th of the same month) Bothwell, when pressed, could show none of her writing, to that shocking effect.

Bothwell was, immediately, charged with the murder; the Queen was herself mentioned, not long after, as an accessory to that crime: and a vast outcry was raised, which no one felt, but all feigned; and which, by artifice, was kept up, and spread all over Europe. Can any one doubt, whether those occurrences were not some other results of the same conspiracy! One great object of it, the death of Darnley had been effected; but the ruin of Bothwell, and the disgrace of the Queen, still remained to be accomplished, as the next objects of the cabal. In pursuance of this outcry, and of that charge, Bothwell was tried, and acquitted; Lennox being deluded, from the pursuit, by the same cabal; and the whole court, and jury, being connected, directly, or indirectly, with the conspirators, with Morton at their head, who countenanced him at the bar, and managed his acquittal: without the aid of so unscrupulous a faction. Bothwell, from the number of persons, who knew the secret, could not possibly have been cleared of so obvious a charge. Meantime, Murray had slipped away to France, by the way of London; departing from Edinburgh, three days before the trial of Bothwell, his personal enemy; and leaving Morton at the head of the conspirators. The Parliament, which constitutionally sat, a few days after the trial,

by confirming the defective titles of the conspirators, and their connections, gave them complete security for their rights : they were all now quite safe, from the resumptions of the Queen. She had thus made them safe ; but herself insecure. She was now to be disgraced, as she had been already calumniated. The Parliament had scarcely risen, when many nobles, with Morton, the most powerful man in Scotland, and several prelates, with the Archbishop of St. Andrews, at their head, signed a bond of association, approving of Bothwell's acquittal ; promising to defend him from similar prosecutions ; and recommending him, as the properest husband, for the Queen. Beyond this measure, artifice, and villany, could not easily go : but, artifice, and villany, did go beyond the baseness of that bond. Four days after obtaining it, Bothwell, whose crest now brightened with hope, seized the Queen, on the road from Stirling ; and carried her to his castle of Dunbar ; " where he boasted," as we learn from Melvill, " that he would marry the Queen, who would, or who would not, yea, whether she would herself, or not."^m

The Queen had been now *ravished*, according

^m Mel. Mem. 80, who was present, and repeats what he heard.

to the expression of the conspirators, and she was now held in thralldom, by Bothwell. Whether in her circumstances, she would marry *the ravisher*, or not, was a difficult question of female delicacy to settle: Elizabeth would have had his head: Mary chose to have his hand. On the 15th of May 1567, as Bothwell had obtained a divorce, the Queen publicly married him, after the publication of banns: So that however improper, there was no real objection to the validity of the marriage, though Murray's secret council called it a *privy* marriage, and Murray's Parliament, a *pretended* marriage.ⁿ Thus were all the great

ⁿ Had the Queen known the *whole* guilt of Bothwell; and that he was the actual murderer of her late husband, her contract with Bothwell had been an *odious marriage*: But, we must judge of her, and her conduct, from the circumstances, wherein she was constantly placed: She knew not what we know, that the whole movements around her were only parts of a grand conspiracy, whereof the murder of Darnley, the acquittal of Bothwell, and her own marriage to the murderer, were only particular parts: She knew, that Darnley was murdered, but by whom she knew not; she perceived, that Bothwell was acquitted, by his peers, with the aid, and approbation, of Morton, Lindsay, Sempil, and other popular nobles; that he was afterwards received, and confirmed in Parliament; that he was immediately encouraged by many prelates and nobles, with Morton as their chief, to solicit her in marriage, as a man most fit; that he

points of the conspiracy, leading unto the consummation, accomplished : Darnley was murdered, by Bothwell, with the assent and encouragement of the chief conspirators ; Bothwell was acquitted, by a formal, but collusive trial, by the management of the principal conspirators ; the Queen, by their artifices, and aid, was married to Bothwell, whom they hated, and wished to ruin :° Add to all these preparatives, for the *denouement* of the plot, that the

was thus encouraged, insidiously, to carry her off by force to his castle, where she was aided by none, and where “ being ravished by him,” according to Melvill, [Mem. 80.] “ She could not but marry him,” and “ the necessity of the time, as then to her seemed, did in a manner enforce her, according to bishop Lesley. [Defence 38.] It was but a sad consideration, that obliged the unfortunate Queen to say, in the language of Shakspeare, though in her there was nothing criminal :

“ The art of our *necessities* is strange,

“ That can make vile things precious.”

° It is curious to remark, that Secretary Maitland, the contriver of this conspiracy, was present with the Queen, when she was carried off, in consequence of measures, by him suggested ; and was with her carried to Dunbar-castle, where he saw her forced, by the necessity, which he had brought on, and countenanced, and concealed, from the mistress, whom he was bound to inform, and advise. Such was his whole life, which he at length lost, by Parliamentary attainder, for his knowledge, of Darnley's death, and his concernment, in this conspiracy.

Parliament had just confirmed the estates, titles, and offices of the chief conspirators. The marriage was scarcely solemnized, when Morton, and his abettors, began to incite insurrection. The motive of their first movement, at Stirling, was the *safety* of the Prince, who was *safe*, in the keeping of the Earl of Mar, one of themselves, within the impregnable castle of Stirling: Yet, is it certain, however, that their real design was from the epoch of their conspiracy, to dethrone the Queen, and crown the Prince. They immediately changed their first motive, when they perceived, that it was subject to popular disapprobation, for its falsehood. They now avowed, as their second motive, the release of the Queen, from the *thraldom* of Bothwell, of the Queen, whom they regarded, as an injured princess; And they continued to repeat this motive of insurrection, from the 11th of June, the date of their first proclamation, to the 21st of July 1567, when they resolved to demand her resignation. When she surrendered, on Carberry-hill, to the insurgents upon specified terms, which they immediately set aside, they were reduced to forgery, for a defence of their perfidy; so little complaint had they against the Queen, on the 15th of June, the epoch of her surrender. There was a third motive, which the insurgents superinduced

upon the second, a zeal for bringing Bothwell to justice, as the murderer of Darnley: This motive was avowed a thousand times, by Morton, Lindsay, Sempil, and other noble insurgents, who had procured the acquittal of this same Bothwell, who afterward engaged, to defend his innocence, and at the same time, who had recommended him, as a husband, for the Queen. In the same strain, Morton, and his colleagues, continued, to consider the Queen, as an injured woman, rather than a guilty princess, till the moment, when they resolved to demand her resignation; though the clergy, and their followers, charged her with crimes, and threatened her life. When Morton, and his plotters committed her to Lochleven-castle, they showed no cause, for such a commitment, and had none to show; as we have already seen: When they resolved to demand her resignation, the conspirators had as little cause to justify so violent an act; because they had none.^a

^p See Throckmorton's letters from Scotland, in Robertson's App. and Keith throughout.

^a After they had enforced the Queen's resignation, indeed, the insurgent nobles, by the tongue of Maitland, the treacherous secretary, avowed, that they meant to charge the Queen, with *tyranny*, with *incontinence*, and the *murder of her husband*; professing that, they could prove this last point, as

From those just views of this interesting subject, we may now perceive, that Morton and

well by her own hand writing, as by witnesses: Throckmorton's letter to Elizabeth of the 25th of July, in Keith, 425-6. When Murray, and Morton, sat down, in their council, to decide, finally, on what charge against the Queen, they would rest their justification, for dethroning her, they relinquished the two first imputations, of *tyranny* and *incontinence*: The Queen, who had pardoned so many traitors; who had sought no man's life, or estate; who had confirmed so many defective titles; who had granted oblivion for so many crimes, and toleration to every religion; could not, with any fitness, be charged with tyranny: The imputation of *incontinence* was relinquished to the calumnious tongues of the clergy, and the historical falsehoods of Buchanan. The Murrays, and the Mortons, relied, wholly, on the third charge; knowing how easily they could *fabricate her hand writing*. When she complained of their breach of the terms, on which she had surrendered to them, on Carberry-hill, the conspirators forged a letter, from the Queen to Bothwell, after she had put him away, to justify their own perfidy. The letter was, immediately, suppressed, but the falsehood was long retained: Upon this falsehood, they imprisoned their Sovereign; and refused to liberate her; constantly affirming, that she would not put away Bothwell; and that it would be impossible to punish Bothwell, if she were free. But, Bothwell had been expelled from Scotland, by general concurrence; and was soon after committed to the prisons of Denmark: The Queen's Commissioners expressly affirmed, in reply to Murray's answer; at York, that she never made offer to leave the realm, that she might possess the

and his coadjutors in villany, were rebels till the epoch of the Queen's surrender to them ; and, from that epoch, till her resignation, they were usurpers, who defended themselves, by the unhallowed means of falsehood, and forgery, of perfidy, and violence.

But, they did not act thus, for themselves alone: Their crimes were merely means, for the great end of substituting Murray, for Mary, under the name of Regent. We have seen how early Cecil had projected, and promoted the same end ; in order that his mistress might rule Scotland, by the instrumentality of Murray.¹ This artful anarch acted as one of the

Earl of Bothwell, as he alleged. Goodall, ii. 165. And what is this, but a mere calumny of base conspirators ; to cover their own misdeeds.

¹ In addition to what has been already said of Cecil's project for establishing Murray, as *Viceroy* of Scotland, some other notices may be subjoined. " The Earl of Murray," says Strype, " under June the 12th 1565, is succoured, by the Earl of Bedford, as it were, without the Queen's privity, to avoid the suspicion of the Scottish Queen." *Annals*, i. 475. As to the Scottish matters, the Annalist adds, " thus the Secretary wrote to his correspondent, March the 26th 1566 ; I am in doubt, to which of the parties, I should wish victory, as per case, in their hearts, they covet: And yet, I cannot think evil of the Earl of Murray." *Ib.* 480. We shall immediately perceive, that Cecil continued, steadily, in his original purpose, with regard to Murray's aims.

original conspirators, at Craigmillar.* In pursuance of the concert, which was then agreed upon, he zealously promoted the pardon of Morton. Murray, undoubtedly, knew the whole purpose of the conspirators, and every step they took, for accomplishing their previous design. He, of course, was acquainted with the very day, on which Darnley would be *despatched*: And to avoid suspicion of his participation, or knowledge of that odious deed, he went to Fife, on pretence of visiting his wife.† Murray continued about the court, in

* The thirty-five prelates, and nobles, who assembled at Dunbarton, in September 1568, expressly charge Murray with his participation in the conspiracy at Craigmillar; and with carrying his views, as well as the other conspirators, the full length of depriving Darnley, "of his knighted life." Goodall, ii. 359.

† Keith, 365, who remarked, the common observation, with regard to Murray's usual practice, to retire out of sight, when any fatal accident was to happen, or crime to be committed. But, Cecil, who probably knew of the previous purpose, in writing to the Queen's ambassador, at Paris, immediately after the murder, in March 1566-7 informed him: "There do adhere together, with the Earl of Lennox, the Earls of Argyle, Morton, Athol, Murray, Catness, and Glencairn, who mean to be, at Edinburgh, very shortly, *as they pretend*, to search out the malefactors." Cabala, 126. We thus perceive the prescient Cecil rank his favourite, Murray, among the conspirators, and to be acquainted with

concert with Morton, and his colleagues, during the two anxious months, from the 10th of February, when Darnley was assassinated, till the 9th of April, when the day of Bothwell's acquittal approached. Like other men, who have committed daring deeds, Murray seems to have felt some of the "compunctious visitings of nature."

He appears to have conceived, that his conduct, with such associates, was liable to suspicion: And he was anxious to have his objects, and his actions, explained, by a friend, to a friend. On the 9th of April 1567, with the Queen's consent, Murray set out, for France, by the way of London, where, he no doubt, visited Throckmorton, and Cecil.* Morton probably managed Murray's affairs, in the Parliament of April 1567, wherein his estates, and titles, were confirmed: Morton, the chief of all those conspirators, certainly corresponded with Murray, in France, whither he went, as it should seem, for popular effect.* Cecil not only

the previous design of the conspiring nobles. Cecil wrote what he knew to be untrue, that Lennox had any party, in Scotland: It was Murray's party.

* Camden, the best informed historian of that age, as he had perused the most State Papers, says, expressly, that Murray retired into France, in order, that he might seem to be clear of the conspiracy. Hist. Eliz. Trans. 94.

* Robertson, Hist. i. 461, admits, that the chiefs of the

conveyed, secretly, and safely, the letters of the conspirators to Murray : But, as we have already perceived, the Secretary supplied money, for enabling Murray, to return, from France, to Scotland.' As soon as the conspirators heard of the arrival of Murray, at London, they sent forward Sir James Melvill to Berwick, in order to inform him of the state of affairs, and of his being appointed Regent, by the Queen.* After considering all those details, facts, and circumstances, can any one doubt, whether Murray, and Cecil, were not two of the conspirators, who dethroned the Scottish Queen, as their great end, while the murder of Darnley, and the marriage of Mary, with Bothwell, were only intermediate means ?* And yet, was Eli-

rebels held a constant correspondence with Murray, in France ; and that he returned, at their desire : But, we have seen Secretary Cecil, in the very act of conveying to France, " certain packets of letters, [from the associate nobles] to the Lord of Murray, which required great haste, and " secrecy." See his dispatch to the ambassador Norris, dated the 26th of June. " he adds, in the same

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zabeth, on that occasion, sincere, in her endeavours to relieve Mary, as she feared the ferocity of the conspirators, and dreaded the example of their success : But, she was circumvented by Cecil, and misserved by Throckmorton, who was himself misguided by Cecil's cunning,^b and influenced, by Murray's friendship.

On the 29th of July 1567, Mary's infant son was crowned in the church of Stirling. On the 11th of August, thereafter, Murray arrived, from France, at Edinburgh : And on the 22d of the same month was he declared Regent, till the King should become seventeen years of age.^c All those events were produced, by the vigour, the valour, and villany of Morton, who was amply rewarded, by Murray, for his guilt, "so criminal, and so capital in nature." He was now, criminal as he was, restored to his office of Chancellor. And soon after, upon the forfeiture of Bothwell, was Morton made admiral of Scotland, and sheriff of Edinburghshire :^d And the laird of Whitelaw being forfeited, for the

" this faction [Morton's faction] returned from France into " Scotland." The Contemporary Hist. of King James, 27.

^b The letters of Elizabeth to Throckmorton, her envoy, at Edinburgh, are written, with great vigour, in favour of Mary : But, Cecil, who had many private agencies, secretly instructed the conspirators to persevere, and Murray to act. See Robertson's Appendix ; Keith, History and App. and the Cabala, throughout. ^c Birrel's Diary, 11.

^d Privy Seal Record.

same crime, his escheat, was moreover, conferred on Morton :^e The reader must always recollect, what never can be forgotton, that Morton himself was clearly convicted, fourteen years afterwards, of the same treason, which produced so many forfeitures !

Murray, and Morton, as they were of congenial principles, practices, and pursuits, were quite inseparable. Morton commanded Murray's army at the battle of Langside, which drove the unfortunate Queen into Elizabeth's snare, in England. Morton was the lucky discoverer of Mary's letters, which, in his custody, assumed all the colours of the rainbow ; which were first *written*, and subscribed, by the Queen's own hand ; which next were wholly written by her own ; which were first written in the Scottish language, then in the Latin, and then in the French ; yet still continued, unchanged, the genuine letters of the Scottish Queen, that she had sent to her enchanting lover, the Earl of Bothwell. Morton now accompanied Murray into England, as one of the commissioners, who were to explain to the candid Elizabeth all those transformations of Mary epistles, and to charge their sovereign with the murder of her husband, which they themselves had committed. But,

^e Officers of State, 99, which quotes the same record.

the great exploit of Morton, on that disgraceful commission, was to avow upon his honour, and oath, that what he had said, and written, of his finding the Queen's gilt box, containing the said letters, sonnets, and contracts of marriage, was true.[†] Yet, wilful perjury was so common, in that reformed age, that Morton was not deemed the worse magistrate, or the worse man, for being thus forsworn. Elizabeth's commissioners, who were entrusted to examine those forgeries, at York, were sworn to act fairly; yet immediately acted, falsely: Elizabeth's counsellors, with Cecil at their head, who were entrusted to make the same enquiries, at Westminster, were sworn to act honestly; yet throughout the whole examination, acted knavishly: Elizabeth, as she urged Murray, and Morton, and other Scots commissioners, to swear to the genuineness of Mary's epistles, which had already appeared before Elizabeth, in every shape, and in every language, was herself only guilty of subornation of perjury. But, no guardian angel cried out, in Shakspeare's speech—

“ Take heed; for *he* holds vengeance, in his hand;

“ To hurl, upon their heads, that break his law —

“ — And that same vengeance doth hurl on thee,

“ For *false forswearing*, and for murder too.”

[†] Goodall's *Examin.* ii. 241.

As the object of Elizabeth, in those disgraceful doings, was to scandalize the Scottish Queen ; and having, by such odious means, obtained her abominable end, she dismissed Murray, and Morton, with their boxful of forgeries, to the “ false North.” But, mark how vengeance was hurled on the heads of those guilty men, with their coadjutors. The Regent Murray was soon after shot, by Hamilton’s vengeful culverin, in the streets of Linlithgow. Lennox, who succeeded Murray as Regent, under Elizabeth’s influence, was not long after, shot in a skirmish, on Stirling street. Mar, who succeeded him, died, ere long of a broken heart. Morton, the fourth Regent, after adding crime to crime, was convicted of murdering Darnley, and was executed, for his treason ; confessing his guilt. And, Maitland of Lethington, Mary’s far-famed secretary, who is deemed the forger of her said love letters, was adjudged, by Parliament, for the same murder, and died, by poison ; criminating Morton, and Morton re-criminating on Maitland, like the meanest murderers. And, yet, the pious historians of Scotland are not convinced that, HE, who holds vengeance, in his hand, did not hurl vengeance on the heads of those mighty breakers of his law ; for false forswearing, and, and for murder too !!!

Morton, the Chancellor, still continued in great trust, and much employment ; as he had a head to contrive, and a hand to execute, any purpose. When Murray entertained the design of obtaining possession of the Queen's person, he sent Morton, Pitcarne, the Secretary, and M'Gill, the Clerk Register, to the English court, to solicit that odious measure, at the beginning of 1571. The Scottish envoys knew Elizabeth, and Elizabeth knew them ; and being introduced into the Queen's presence, she willed them, as Camden relates, to express more plainly, their causes, for deposing their Queen, and to prove them to be just : They now exhibited to her a large discourse ; wherein, continues Camden, with insolent liberty, and sharpness of words, they endeavoured to prove, by an ancient privilege of their nation, by outworn examples, and new ones gathered from late books, that the Scottish nobles are above their Kings ; yea, and by the authority of Calvin, that popular magistrates are ordained, every where, to moderate the lust of kings ; and so it is lawful for them to restrain bad kings, and to depose them.^s The indignation of Elizabeth could be no longer restrained : Such speech, and such sentiments, struck her princely ears, so strongly, as to de-

^s Camden's Transl: Ed. 3. p. 192.

prive her of her moderation: She scarcely could be induced to listen to their boastful professions of their own lenity, towards their imprisoned Queen, whom their lenity had allowed to live till she had resigned her crown to her son, and given him a Regent; but, that it was owing to their mercy, not to her innocence, that she was allowed so long to live.^b Such then, was the language of the *anarchs*, who acting under such maxims, and justifying their conduct, by Calvin's name, committed every crime, which society reprobates the most. But, we hear no more of the boxful of letters, which Morton still retained, as a supplementary justification of his conspiracy, and his treasons. The negotiation, for the delivery of the Scottish Queen, into the hands of assassins, could only be successful, under the management of such men, as Morton, M'Gill, and Pitcarne. The negotiation was ended, rather abruptly, by the impatience of the two Queens. And both parties, in Scotland, prepared their rude armour, for civil war.

It was during the same negotiation, that the Scottish envoys, receiving a letter from Thomas Buchanan, the Regent's agent, in Denmark, were required, by Cecil, to show this letter, they

^b Id.

delivered in a castrated copy, for the genuine original.¹ We may thus see what adepts such men were, in all the artifices of fraudulence, and how unfit they were, for any trust, and how unworthy of being witnesses, in any cause.

Meantime, on the 27th of January 1570-1, the Earl of Lennox was proclaimed Regent, and the Earl of Morton his lieutenant.^k Dunbarton-castle was taken by the Regent, on the 1st of April 1571. On the 14th of May, there were two Parliaments holden at Edinburgh, and

¹ See the letter of Morton, Pitcarne, and M'Gill, dated, at London, the 24th of March 1570-1, to the Regent Lennox. Goodall's *Examin.* ii. 382. "The cause why it has been so long in sending," say they, "was that we thought not best to commit it to the through-post, or a common messenger: For, we had no will the contents of the same should be known, fearing that some words, and matters, mentioned in the same, being dispersed here, as news, should have rather hindered, nor furthered our cause: And, therefore, being desired at court to show the letter, we gave to understand, that we had sent the principal [original] away: and delivered a copy, omitting such things, as we thought not meet to be shown, as your grace may perceive, by the like copy, which, also, we have sent you herewith; which ye may communicate to such as your Grace thinks not expedient to communicate the whole contents of the principal letter unto." The great object of Thomas Buchanan's negotiation, at Copenhagen was the delivering of Bothwell, that justice might be executed upon him. *Id.*

^k Birrel's *Diary*, 18.

its suburbs, the proper emblems of civil war; one for the Queen, in the accustomed place; and the King's, in the Cannongate. And, there were many persons forfeited, in both these Parliaments: Morton acted, as chancellor, for the King, as well as his general, in the same turbulent neighbourhood.¹ On the 3rd of September 1571, however, the Regent Lennox was slain, when a prisoner, with the Queen's party, who had surprised Stirling.

The Earl of Mar, was now chosen Regent, while Morton enjoyed the secret of Cecil, for the management of Scotland; and wanted nothing, says Crawford, but the name of Regent, through all the three regencies, that went before him.^m The Regent Mar died, in October 1572; and on the 27th of November following, the Earl of Morton was chosen Regent, by a plurality of voices.ⁿ By his artifice, or his vigour, he erewhile induced the principal partizans of the Queen, to submit to his authority, all but the Castle of Edinburgh, which was held, by the military conduct of Kirkaldy, who was supported by the prompt suggestions of Maitland. But, the English army, which Morton's influence brought, from Berwick, in May

¹ *Ib.*^m Officers of State, 100.ⁿ Rec. of the Privy Seal.

1573, compelled the castle to submit, notwithstanding the valour of Kirkaldy, and the wiles of Maitland: the Governor was hanged, the Secretary was poisoned.

The Regent now cultivated, for a while, the arts of peace, and indulged, at all times, his usual passion for money:° in the administration of justice, he oppressed by his rigour: in his government of the church, his ruling passion of avarice carried him to the excess of ruining the clergy: he made penitents pay, for indulging themselves, in Lent: nor left he, says Spottiswoode, any means unessayed, that served to bring money to his coffers, which drew upon him much hatred, and constant envy.² In the midst of this cupidity, he obliged, by legal process, the widow of the Regent Murray, to deliver the Queen's jewels: and, while he perverted justice to the oppressioa of individuals, for his own profit, he appointed commissioners, for revising the whole jurisprudence.³

At length the oppressions of this guilty Regent could be no longer borne. The people's outcries, and the nobles hatred, at the head of whom, were Argyle, and Athol, induced the Regent to resign his office. The king, who was

° Crawford's *Officers of State*, 100-1.

² *Id.* Spoiswoode's *Hist.*

³ *Godscroft.*

still under twelve years of age, accepted his resignation, on the 15th of September 1577 :^r and after various intrigues, the King was induced, on the 8th of March, in the subsequent year, to assume the sceptre into his infant hands, with Argyle, Athol, Montrose, and other nobles, for his ministers,^s who were confirmed, by the Parliament of the subsequent year.

Yet, Morton had been so long busy, that he could not enjoy quiet. He still had his enmities, with Argyle, and Athol, which, as they could not be easily settled, Athol was commanded to remain, in Edinburgh, and Morton, at Dalkeith.^t During the year 1578, Morton seems to have got possession of the person, and the dominion over the spirit of the King; so as to rule the nation, without the cares of the regency :^u but, he did not thus rule, without the strenuous opposition of Argyle, Athol, and other powerful nobles : and, towards the end of the same year, by means of mutual mediators, their differences were apparently com-

^r Crawford's Officers of State, 102;

^s Moyses's Mem. 1-2-7 : when the proclamation of the King's accession was read, at the Cross of Edinburgh, Morton attended; and promised obedience, and service, while he protested against any other Regent. *Ib.* 3. Crawford's Officers of State, 103-4.

^t *Ib.* 11.

^u Moyses's Mem.

posed. It was the Parliament of March 1578-9, which assembled, at Stirling, that gave more efficiency to the reconcilment of the nobles, and more efficacy to the government of the King. On the 24th of April, in the same year, died Athol, the Chancellor, of poison, and as generally was supposed, by Morton's procurement: of so unprincipled a man, who had committed so many crimes, any villany was to be expected; yet, this crime, though strong suspicions settled on him, seems to have been never proved. While Morton was thus involved, in so much crimination, he had the satisfaction, during the busy year 1578, of seeing the Hamiltons, whom he hated, almost wholly ruined, and of contributing to their fall. On the 12th of August 1579, the two poets, Turnbull, and Scot, were hanged, at Stirling, for distributing ballads, tending to sedition; and as these executions were unprecedented, in Scotland, where poets had never been so punished before, Morton thereby incurred popular hatred, and was libelled in prose, as well as in poetry.* Such was the harshness of punishments, under the influence of Morton; and such the domination of government, which is always severe, in proportion to its weakness. The year 1579 is, also,

* *Moyse's Mem.* 37.

memorable for the removal of the King, from the Castle of Stirling, his nursery, to Edinburgh, where he was treated, and acted, as a King; and is equally remarkable, for the arrival of the Lord Aubigney, the King's cousin, from France; and for the ascendancy of James Steuart, of Ochiltree, over the King's spirit.

Morton was now hastening fast to his fall. This was preceded, perhaps promoted, by the renewal of his old enmity, with the Earl of Argyle. He was not of a nature to fall, without a struggle, worthy of his former vigour: But, new times had arisen, and various different men had advanced upon him. On the last day of December 1580, the same Steuart of Ochiltree, came into the King's council, the King being present; and accused Morton of knowing of the late King's murder, without revealing it; and affirming, in confirmation of the charge, that Archibald Douglas, the earl's cousin, was, actually, present, by Morton's command.[†] Such an accusation, by such a person, seems to imply, that the treasonous guilt of that crimeful noble, was become quite notorious, in the popular belief. Elizabeth, and Cecil, now interposed vigorously, in protection of Morton, who had so long been their agent, and knew so many of

[†] *Moyses's Mem.* 46; *Birrel's Diary*, 22.

their secrets.* After Bowes had endeavoured, in vain, to protect that odious noble, the notorious Randolph was sent to Edinburgh, with the same views: Elizabeth's envoy now used every artifice, in favour of Morton; and entered into the most dangerous intrigues, which could not be tolerated, even in an ambassador: but, finding that his person, and his papers, were in danger, he retired, secretly, from Edinburgh, to Berwick.†

* There is a vast collection of papers, in the British Museum, and Paper Office; which show the persevering efforts of Elizabeth, and Cecil, for saving Morton's life: Randolph, their agent, in Scotland, at length put the matter thus to them: "if you march an army, from Berwick to Edinburgh, the King will retire into Argyle; and thence to France: this, then, would not be advantageous to England: secondly, If you send an army, to lay waste the Lothians; you would thereby destroy as many friends, as foes: this, then, is not for the interest of England." It was thus shown to the fruitful mind of Cecil, that it was beyond the power of Elizabeth to save the guilty life of Morton, without extreme disadvantage to England.

† There is a letter from Randolph, on that occasion, to the Lord Chancellor, which was transcribed by Strype, into his *Annals*, ii. App. 138: "I find no good success of my travail to either of those purposes, for protecting Morton, and wholly removing D'Aubiny: the Earl of Morton is very rich; he hath goodly houses, and well furnished: he had great lands, and many friends, in his prosperity. The

Every intrigue, in favour of Morton, was detected, and every insurrection was dissipated, by securing the principal insurgents.^b On the 1st of June 1581, the Earl of Morton was tried, by an assize, for the treasonous murder of the late King Henry; was convicted, and adjudged, as in cases of treason.^c The sentence was

doubt of his power, when he was at liberty, procured him many enemies: his backwardness to give, that which he hath, is thought, by many, quarrel sufficient. I find little hope of his life, the rather, for that divers of his most assured friends, and servants, are his accusers; some, say, that he was guilty of the King's murder; others, that he was consenting to the poisoning of the Earl of Athole: some that of late he intended to have taken the King, and to have killed the Earl of Argyle, the Earl of Lennox, and Montrose: if this be true, his fault is greater than can be borne with. If he be innocent, yet is the malice so great, as he cannot escape with his life. Nay, I cannot, myself wish him any favour, if that be true, that is said of him, and confessed, by those, in whom he had no small trust. This in time will be tried: and her Majesty shall be truly informed, what his doings have been. How I have dealt, from time to time, with the King and Council; and what answer I have received; as also of my hasty departure out of that country, that both had libels set up against me, and harquebus shot in at my chamber window, I trust your lordship knoweth, by such letters, as are come to Secretary Walsingham's hands."

^b *Moyses' Mem.* 51.

^c *Ib.* 53-4: From the same book, it appears, that some evidences subscribed with his own hand, were laid before the

changed, by the King, to decollation, which was executed, on the subsequent day ; Morton having, previously, confessed his guilt, with many of the transactions, which necessarily led to that odious deed.^d His head, says Robertson, was placed on the publick gaol of Edinburgh ; and his body, after lying till sunset, on the scaffold, covered with a beggarly cloak, was carried, by common porters, to the usual burial place of criminals.^e

Assize ; it was attested by *the depositions of some persons*, says the same work, who *were actors of that horrible fact* : And, therefore, continues Moyses, doom was pronounced, that he should be hanged, beheaded, and quartered, as a traitor. See what is called *the Trial* of the Earl of Morton, for the murder of Darnley, in Arnot's *Crim. Trials*, p. 388-92.

^d On the 2d day of June 1581, Morton was beheaded, at the Cross of Edinburgh. Birrel's *Diary*, 22. There is a very accurate copy of Morton's confession, in Ballantyne's *Journal*, 493. Something of what he said to the clergy, who attended him, seems to me, from the collation with state papers, to have been disingenuous, or false. It is to be regretted, however, that the clergymen did not cross examine him, about his finding the *boxfull of letters*, that we might have heard what he would avow, or deny, on that interesting topick. Archibald Douglas's letter to Queen Mary, in Robertson's *History*, ii. *App.* 428, confirms the greatest part of Morton's confession, as to the participation of Morton, in that terrible crime.

^e *Hist.* ii. 87.

MEMOIR VII.

Memoir of Secretary Maitland.

ASSOCIATED with the Regent Murray, in similar pursuits of ambition, or interest, upon the same principles of regarding *ends*, more than *means*, was the loud praised Secretary Maitland of Lethington.^f

Sir Richard Maitland of Lethington, by Mary, the daughter of Thomas Cranston of Crosby, had three sons, who are all celebrated in Scottish history, and four daughters.^g

His eldest son, William, was born about the year 1525 ; and was, of course, about five years older than the Regent Murray ; and was educated, also, at the University of St. Andrew's.^h He travelled into foreign parts, where he studied the civil law, according to the fashion, at

^f He was oftener mentioned, in the State Papers of that age, by the title of *Lethington*, than by the family surname of Maitland.

^g One of Sir Richard's daughters, Mary, is still remembered, as a writer, and collector of Poetry, and as her father's amanuensis, after he had lost his eyesight.

^h Mackenzie's *Lives*, in *Art.* : Yet, he is not mentioned, in the University Record, which was not then very accurately kept.

the epoch of the revival of letters : Neither the worthy Sir Richard, nor any of his well-informed sons, appear among the officers of State, in 1550.¹ Engaged, as we have thus seen, by the Regent-queen, Maitland was sent, in June 1555, to negotiate her affairs, with the English Wardens of the Eastern borders : And, he was paid 40*l.* for his expenses.^k Heriot of Trebroun, who married Maitland's sister, Isabel, was, at the same time, sent to the Western Marches, for a similar purpose of Border quiet. Secretary Maitland is first seen, in the pages of history, in October 1555, disputing about *modes of faith*, with John Knox, who claims the honour of having converted an abler man than himself.¹ If Knox converted Secretary Maitland, from his father's honourable ways, to the odious paths of perfidy, the reformer is not to be much praised, for such a performance.

¹ Crawford's MS. Notes, in my Library. The Regent-queen, in 1554, granted to the eldest son, William, a pension of 150*l.* a year. [Treasurer's *Acc.* of Sept. 1555.] Secretary Maitland was, at that period, about 29 years old ; and a married man ; having espoused, in 1553, Janet, the daughter of Monteith of Kerse. The Queen-regent appointed his father, Sir Richard, an extraordinary Lord of Session, in Nov. 1554 : Nor, could she have appointed a more honourable, and intelligent man.

^k Treasurer's Accounts of June 1555.

¹ Knox's *Hist.* 1732, p. 91.

Maitland, however, continued in the confidence, and service, of the Regent-queen, and betrayed her counsels to Elizabeth, and Cecil, as well as to the innovators, and Murray.^m He was, at length, on the 4th of December 1558, appointed Secretary of State, during his life, in the room of Panter, the bishop of Ross, who died on the 1st of October of the same year. By this appointment, the Regent placed a viper in her bosom. With such a Secretary, she could not act, discreetly: With such a Secretary, to betray her secrets, Murray, and his reformers, easily, gained upon her, in every transaction. They thus were enabled, to obtain an ascendancy over her power: And they pro-

^m In February 1557-8, Maitland was sent by the queen-regent on an embassy to London; and received, for his expenses, 600 crowns of the sun, which were equal to 765*l.* [Treasurer's *Acc.* of the 11th of February 1557-8.] He enjoyed the most intimate confidence of the regent: On the 5th of February 1558-9, we may see the Treasurer giving 10*l.* to the Regent, to play at *the Carts*, with the Earl of Huntley, and young Lethington." [Acc. of that date.] Early in March 1558-9, the Secretary was sent to England, and to France, in the Queen's affairs: He was paid 765*l.*, for his expenses. [Treasurer's *Acc.* of that date:] And see Keith's *App.* 89. He was, certainly, in France, during April 1559; and brought to Elizabeth, Francis and Mary's ratification of the treaty of Cambray. *Calig. Cot. Lib.* B x. fol. 8.

ceeded, in October 1559, to deprive her of the regency, which she had acquired, from the Estates, of Scotland, with the assent of the sovereign.^a It was, at this crisis, that Maitland, the Secretary of State, deserted the Regent's service: forgetting her many benefits; and accepted the same appointment, from the Prior, and the insurgents,^o from whom, and their protectors, he expected greater honours.^p Such treachery could not be endured, but among reformed men, who sacrificed every principle to their motive, during an immoral age.

In October 1559, Secretary Maitland seems to have given the first specimen of his versatility, by deserting the Queen-regent, and joining the insurgents.^q With them, he continued to act, equally, as Secretary of State. In November 1559, the chiefs of the innovators appointed Maitland, to repair to Lon-

^a Keith, 105.

^o Knox, 192; Spottiswoode, 139; Keith's *App.* 42.

^p In September 1559, Maitland offered his services to Elizabeth; when he said, he attended no longer on the Regent, than till he had a good occasion, to revolt to the Protestants. Sadler's *State Letters*, i. 450-1. Robertson, indeed, supposes, that Maitland was afraid of his life, from the Regent, and her French counsellors. *Hist.* i. 220. This is said, from Knox, 192.

^q *Ib.* 48; Knox, 192; Spottiswoode, 139.

don; in order to lay their distressed affairs before Elizabeth; and to request her effectual aid.⁷ Elizabeth, and Cecil, did not hesitate long, in conveying effectual aid to the insurgents,⁸ in shipping, in men, and money, and, what was of full as much importance, the most insidious advice. At that epoch, Maitland appears to have formed his connexions, with Cecil, and Elizabeth, which induced him, to turn his best services, from his own sovereign, and native land, to an alien queen, and an adverse kingdom.⁹

Returning from his successful negotiation, Maitland now displayed the superiority of his abilities, though not of his zeal, among the re-

⁷ Keith, 110: Maitland's letter of credence remains, in the Paper Office, from the Duke, Argyle, Glencairne, and the Prior of St. Andrews. Lyddington, says Cecil, in his *Diary*, [January 1559-60] was at Westminster, to be conferred withall, for Scottish matters. 18th Feb. 1559-60, Lyddington returned into Scotland. [Murdin, 750.]

⁸ There seems to have been a treaty on the point. Rym. *Fœd.* xv. 569.

⁹ Elizabeth said, in her instructions to Shrewsbury, in April 1583: It is well known, that before the making of the treaty of Edinburgh [June 1560] there was an intent discovered unto us, even by Lethington himself [Maitland.] Whom afterwards she [Mary] specially favoured, to deprive her of her crown; which motion, we entirely rejected. *Calig.* C. ix. Goodall, i. 170.

formers. From Scotland, Cecil, who negotiated, the treaty of Edinburgh, wrote Elizabeth :
 “ I find the Laird of Lethington disposed to
 “ work all the minds of the nobility to allow
 “ any thing, that your majesty shall determine :
 “ He is of most credit here, for his wit [wisdom],
 “ and almost sustaineth the whole burden of
 “ *foresight*.”^a Much of the villany, in making
 the suspected treaty of Edinburgh, as far as it
 relates to Scotland, must be attributed to him,
 who thus sustained the whole burden of *fore-*
sight.^z

The reformers, even in opposition to their own treaty, of Edinburgh, convened a parliament, at Edinburgh, on the 1st of August 1560. Huntley, the Chancellor, excused his non-attendance, in that convention, by the convenient infirmity of *a sore leg*. Maitland was now chosen, in his place, as *speaker*. And, on that occasion, he displayed his address, his knavery, and his eloquence.^y The convention, who

^a Cecil's unpublished letter of the 19th of June 1560, in the Paper Office.

^z Besides Maitland's corrupt communication with Secretary Cecil, he constantly kept up a similar correspondence with Lady Cecil. Haynes, 301, 359.

^y Randolph's letter to Cecil of the 10th August 1560. Robertson's *Hist.* 395-7. Maitland determined, like a man of foresight, not to go to France, with the proceedings of

expected much more from Elizabeth, than from Mary, resolved to send Glencairn, Morton, and Maitland, to negotiate with the English Queen.^a The Lord James, during 1560 and 1561, acted under Cecil's advice, as the chief of this self-created government, without control, but with Maitland, for his secretary of state.^b As a crafty character, Mary knew Maitland; but did not put much trust, in such a minister, who, as she was not to learn, had attached himself more to Queen Elizabeth, and Lady Cecil, than to her.^c

Acting under all those influences of independence on Mary, and subservience to the English Queen, the Lord James concurred with Cecil, and Maitland, and with all these, in wishing, to prevent the Scottish Queen, from returning to her native kingdom, though the

that pretended Parliament, which the Scottish Queen very properly refused to ratify; as it sat without her assent, and established measures, which were inconsistent with the laws.

^a Keith, 154.

^b Throgmorton, Elizabeth's envoy, at Paris, wrote on the 1st of May 1561, "I understand the Queen of Scotland hath hitherto no great devotion to Maitland, Grange, and Balnavis; whereof I am nothing sorry." Keith, 164.

^c When the Queen, early in 1561, sent a commission, to govern Scotland, Maitland gained the whole secret, and conveyed it to Cecil.

Estates had invited her.^c It is in vain, then, for Robertson, to doubt, whether those profligate statesmen did not, actually, concert measures, for intercepting Mary's voyage to Scotland.^d This, then, is the *first* plot, which was concerted,

^c See Robertson's *Hist. App.* No. V.; see Maitland's Letter to Cecil of the 10th of August 1561; Keith's *App.* 92-4; and his letter of the 15th of the same month, in the Paper Office.

^d Secretary Maitland, by his unpublished letter, in the Paper Office, of the 15th of August 1561, to Secretary Cecil, very fairly informed the English minister of the embarkation of the Scottish Queen, at Calais: "She doth complain," he adds, "that the Queen's majesty not only hath refused passage to Mons. Doysel, and the safe conduct, which she did, courteously, require for herself; but, also, doth make open declaration, that she [Elizabeth] will not suffer her to come home to her own kingdom: Yet, are her affections such towards her own country, and so great her desire, she hath to see us, that she meaneth not, for that threatening, to stay; and so, to trust her person in our hands. The bearer saith, that she will arrive, before the 26th day of this instant: I marvel, [Maitland subjoins, perfidiously,] that she will utter any thing to us, which she would have kept close from you." After recommending, that a force should be stationed, at Berwick, Maitland goes on, in the same strain of perfidy, "I pray you send me your advice what is best to be done, as well in the common cause, as in my particular, who am taken to be a chief meddler, and principal negotiator of all the practiques with that realm; though I be not in greatest place, yet is not my danger least."

by Elizabeth, and Cecil, against Mary, with the Scottish Queen's ministers. Whatever we may think of Maitland's talents, it must be allowed, that much cannot be said, for his probity. Mary arrived safe, at Leith, notwithstanding those machinations, while the two Secretaries, Cecil, and Maitland, were plotting her interception. She hath been much praised, for putting her government into Protestant hands; but she might, as well, have placed her affairs, in the management of Cecil, and Elizabeth, who influenced her ministers, in all things. Had Mary been intercepted, by the English fleet, she had never returned to her native subjects, who would have been governed in her name, indeed, by her bastard brother, as vice-king.

The cousin-queens, with such ministers, were now to govern their several kingdoms, as well as the duplicity of the one, and the good meaning of the other, could agree. Maitland, who had deserted her mother's service, and joined the rebels against the government, was now continued secretary, under his original appointment, by the deluded Queen.* As early after

* Maitland was, incidentally, Clerk of the Privy Council, with John Johnstone, as his deputy, at a salary of 150*l.* a year: On the 1st of March 1563-4, Maitland appointed

Mary's return, as the 1st of September 1561, Maitland was sent to Elizabeth, with the unwelcome notification, of the safe arrival of the Scottish Queen.^f In addition to his mistress's instructions, he carried credentials, from the chief nobles, the Duke, Lord James, and the chosen few : They required him, though without fitness, to ask Elizabeth, to declare Mary's right of succession, a request, that they must have known, to be of all others the most offensive to the English Queen. He made that requisition ; and Elizabeth could, scarcely, restrain her temper. A sort of altercation ensued ; and it required all the art, and volubility, of Maitland, to keep the indignant Elizabeth, within the usual rules of common civility : She did appeal to the world, whether she, in any of her actions, had ever attempted anything against Mary's safety, or tranquillity, or security of her kingdom : And this appeal was made, in the hearing of Maitland, who had induced her, with the advice of Cecil, to send a

Alexander Hay, as his deputy-clerk of the Privy Council, to whom the Queen assigned the same salary of 150*l*. Keith's App. 174. Hay partook of the corruption of his master.

^f Maitland received, from the Treasurer, 712*l*. 10*s*. to pay the expenses of his journey to London. He returned before the 24th of September 1561.

fleet into the Forth, and an army into the field, and money into the chest of the insurgents, for transferring Scotland, from the legitimate Queen, to her bastard brother. The effrontery of Elizabeth must have proceeded, from a high opinion of herself, or a low opinion of Maitland.*

He soon after returned to Edinburgh; bringing a letter, from Cecil to Knox, whom the English Secretary used, as a bellows, for blowing the expiring embers of discontent, in Scotland, as men, and matters, waxed cold, or hot. His absence did not impair his credit. The Queen's whole power now rested with the Lord James, and Maitland: The first, said Randolph, is suspected, to seek too much his own interest: The other is too politick: And, take me those two out of Scotland, he added, in his letter to Cecil, and those, that love their country, shall find the want of them.^b Maitland soon after displayed his great abilities, as a statesman, by writing two letters to Cecil; defending Mary's right of succession to the English crown, and apologizing for her non ratification of the treaty of Edinburgh.ⁱ The English agent felt, and

* Spottiswoode, 179-82. On the 6th of September 1561, Maitland was made one of the Privy Council. Keith, 187.

^b Keith, 191.

ⁱ Haynes, 373-75.

confessed, his inferiority to Maitland. "He was now borne in hand," he said, "by such as were nearest about the Scottish Queen; as the Lord James, and the Lord Lethington, that their Queen's good words were meant, as they were spoken: I see above all others," continued he, "in credit; and I find in them no alteration: The Lord James dealeth, according to his nature, rudely, homely, and bluntly: The laird of Lethington [Maitland] more delicately, and finely; yet in nothing swerveth from the other, in mind, and effect."^k

Secretary Maitland had, scarcely, returned, from London, to Edinburgh, when he found himself engaged in a contest with the clergy. On Alballowday, the Queen went to mass. The preachers were shocked at *her idolatry*. Every

^k So wrote Randolph to Cecil, on the 24th of October 1561. Keith, 196. About that time, Lethington was accused, by the Scots, of being ambitious, and too full of polity: Yet, Randolph said, "Whensoever Lethington is taken out of his place, they shall not find, among themselves, so fit a man to serve, in this realm" Keith, 202. Randolph soon after said to Cecil: "The bishops complain, that the Lord James beareth too much rule; and that *Lethington* had a *crafty head*, and a *fell tongue*." *Ib.* 205. *Fell* means, generally, cruel, barbarous, inhuman; but, it is here used, by Randolph, to signify able, eloquent, artful, sly.

pulpit resounded with railing: The nobility were admonished of *their duty*; and strong insinuations were given, that the Queen's worship ought to be suppressed, by force; without any recollection of the precept, and practice, of the Saviour of mankind, or any remembrance, that the Queen had tolerated the worship of others. The preachers, with Knox at their head, were now called before the Privy Counsellors: Maitland took the lead, in showing the clergy the unfitness of their conduct, and the right of the Queen to her own worship, in her own chapel. But, against conceited prejudice, he argued in vain. Knox proposed, that the points in question should be referred to the supreme decision of the Genevan church; and that he would write, for such an unerring judgment: But, Maitland overruled that folly, by engaging himself to consult the oracle: And he afterwards avowed, that he had never written, for such an answer, when Knox attacked him, for his perfidy. The sedition of the preachers was countenanced, by the Lord James, and Cecil; as they hoped to gain what the Queen might lose, by their seditious speeches. At the church assembly of December 1561, Maitland again opposed the pretensions of the preachers: Like a true statesman, acting upon right principles, he insisted, that conventions of the

church could only be held by the Queen's allowance: On the contrary, the preachers, whose principles led them to disregard ancient law, and established authority, insisted, they must have an independent right, to hold such assemblies; otherwise, they could not be a reformed church. Connived at, as they were, by the Lord James, the Queen's minister, Maitland's opposition, merely showed his own principles, and their pretensions. Maitland scoffed at Knox's book of discipline, which had been introduced into the assembly. The chief of the reformers attacked Maitland, in his turn: And this attack, and those scofferies, were carried on, with great acrimony, and were long continued.¹ We may thus learn, from Knox's

¹ Knox's *Hist.* 293-5. Knox made a sort of an appeal to Cecil: By his letter of the 7th of October, Knox wrote among other complaints: "This I write with dolor of hart: Some of no small estimation have said, with open mouth, The Queen neither is, nor shall be, of our opinion; and in very deed, her whole proceedings do declare, that the cardinal's lessons are so deeply printed in her heart, that the substance and the quality, are like to perish together. I would be glad to be deceived; but, I fear, I shall not: In communication with her, I espied such craft, as I have not found in such an age: Since, hath the court been dead to to me, and I to it. One thing I cannot conceal; too much hearing is like to break the most strong back, if we cast not off the burden betimes. To speak plainly; those that have

epistle, to Cecil, how much that statesman influenced Scottish matters, for Elizabeth's interest, and Mary's annoyance.

After all that altercation, Secretary Maitland was appointed, in November 1561, an extraordinary lord of session : And, in January 1565-6, was, by the recommendation of the same court, named an ordinary lord, which he seemed to have retained, during his fortunes, and misfortunes. Much of the year 1562 was spent, in argument, and in journeys, about the ill-omened meeting of the rival Queens. Maitland went to London, by his mistress's desire, in May ; and returned in June of the same year, with little success.^m During the autumn of 1562, the Scottish secretary accompanied the Queen upon her northern tour, when Huntley was ruined, for Murray's interest. On this odious subject, Lethington wrote to Cecil, the English minister : " I am sorry, that the soil of my native country did ever produce so un-

always had the favour, and estimation of the most godlie, begin to come into contempt ; because, they open not themselves more stoutly against impiety. Doubt not but that your counsel may somewhat reward the persons. Ye know, my lord, and Lethington, whom, if God do not otherwise conduct, they are like to lose that, which, not without travel, hath heretofore been conquest." Haynes, 372.

^m *Ib.* 379 ; Keith, 216-17 ; *App.* 156.

natural a subject, as the Earl of Huntley hath proved, in the end, against his sovereign ; being a princess so gentle, and benign, and whose behaviour hath been always such towards all her subjects, that wonder it is, that any could be found so ungracious, as once to think evil against her ; and, *in my conscience, I know not, that any just occasion of grudge was ever offered unto him.*"^a If we could believe the secretary to be sincere, in what he thus declares on his conscience, it would evince uncommon duplicity in the Lord James, who concealed, from the other ministers, that he had obtained, in January 1561-2, a grant of the earldom of Murray ; and who was so blinded by gross prejudice, as not to see what provocations forced Huntley into rebellion against *so benign a princess*, as Mary, or rather of so corrupt a minister, as Murray. Maitland was soon after sent into England ; partly to congratulate Elizabeth, on her recovery from the small-pox, still more to watch over the Queen's pretensions to the succession, in the subsequent parliament ; and above all, to endeavour the reconciliation of the troubles of France.^o He

^a See his letter of the 14th November 1562, in Keith, 232. When we hear an enemy talk, in such a manner, to an enemy, we may well believe, that the Queen's conduct had been fair.

^o Keith, 235.

did not travel into this country, with goodwill, as he had heard of the frequent assassinations, in that distracted land : His zeal, for the Queen's service, however, appears to have braved the hazard of such scenes. He is blamed, at least by Knox, as being too good a servant to the Queen ; and we may indeed learn from Randolph, that Maitland's advice was then more followed, than any others, as well it might, from the superiority of his talents.^p Happy ! had it been for himself, and his country, had he, from that period attached himself to the Queen, and the laws, without regarding the connexions of faction, or considering the interested objects of so dangerous a friend, as Cecil. Maitland returned to Scotland, soon after the rising of the Parliament, on the 4th of June 1563, which forfeited Huntley, and his friends.^q The credit of Maitland, at that period, obtained attentions to his aged father, and benefited the fortunes of his whole family.^r At the end of 1563, the Scottish secretary made a vigorous effort to make the church subordinate to the state, rather than allow the state to continue subservient to the

^p Knox, 327-34 ; Randolph's unpublished letters, in the Paper Office.

^q *Parl. Rec.* 754 ; Keith, 240.

^r *Ib.* 244.

church. Knox, the chief of the domineering preachers, had committed two crimes of great atrocity, in the eyes of such a statesman, as the Secretary: By his own authority, Knox had convoked a meeting of the people, which was an act of treason; he had collected the multitude to overawe the criminal court, which was to try two of his disciples, for insurrection. On those charges, Secretary Maitland summoned Knox before the Privy Council, when he pressed the enormity of the offences, with his usual art, and eloquence, Yet, did the Privy Council, which was influenced, by Murray, declare, "that they could find no offence in Knox." None of the parties seem to have recollected, that the Saviour of mankind, while upon earth, never impugned the established authority of the Roman law. The preachers were, by this declaration, only incited to rail, with more virulence, against the Queen, and her ministers: Maitland, finding it impossible, to check this pruriency of preaching, which was protected, by Murray, and even incited by Cecil, for their own objects, "left the ministers," as he said, "to *bark* as lowd, and as long as they list." The ministers of the Scotican

* Knox's *Hist.* 336-43.

† Knox, 346: Yet, Maitland seems to have again at-

church continued *to bark*, till the Court of Session, in more recent times, avowed its purpose, to punish the parsons, for barking calumny against any one, which could only do mischief, without any good.

Many of the measures, in 1563, proceeded from the various suitors of the Scottish Queen. The marriage of Mary, from the delight, which Elizabeth took, in embarrassing a rival Queen, on so envious a subject, continued to create many measures, and to originate much intrigue, wherein Secretary Maitland had his full share.^a Murray and Maitland were afterwards appointed to meet Bedford, and Randolph, at Berwick, to negotiate the marriage of the Lord Robert Dudley, with the Scottish Queen. It was, on that occasion, that Randolph, who did not want

tempted, in the church-assembly of June 1564, to moderate Knox, who, feeling none of the influences of *charity*, was only irritated, by opposition. Knox, 348-66. On the 27th of February 1563-4, Randolph wrote to Cecil, "of some unkindness, between the Queen, and Murray, *about Knox*, whose part he took," Keith, 249.

^a Randolph wrote to Cecil, on the 27th of February 1563-4: "He found Murray, and Maitland, willing to the match, [with the Lord Robert Dudley, Elizabeth's favourite; but, they entertained doubts of effecting it; and wished him, to deal openly with the Queen, about the person." Keith, 249.] Dudley, it seems, had not yet been avowed.

talents, lamented to Cecil his own defects, as a negotiator, when opposed to so very able a statesman, as Maitland. It may admit of a doubt, whether the best of the Flemish painters, could have delineated such a treaty; when the puritanic Bedford, and the roguish Randolph, the artful Murray, and the ingenious Maitland, assembled, to negotiate the marriage of Dudley, whom the one Queen did not mean to give, and the other Queen had determined not to receive.* When Elizabeth offered Dudley, her own *sweetheart*, to Mary, as a husband, duplicity, in the one Queen, and disdain, in the other, could not be carried further by any artifice.

The failure of this perfidious treaty, introduced new characters on the stage. Lady Lennox, the niece of Henry VIII., had some pretensions to his crown, which the Scottish Queen had an interest to remove. The Earl of Lennox had been forfeited, by the Scottish parliament, and now desired to be restored to his country. And they both wished, to present their eldest surviving son, the Lord Darnley, to the wishful eyes of the Scottish Queen.†

* See Keith, 263.

† Randolph wrote Cecil, in October 1564: "The Queen undertakes to end the quarrel, between the Duke and the Earl of Lennox, whose name Lethington [Maitland] is now

Maitland now promoted the interest of this family, which afterwards ruined him. The Parliament of December 1564, was chiefly called ; in order to reverse the attainder of Lennox : Maitland made an oration to the Estates ; being commanded, by the Queen, to supply the chancellor's place ; And, on the same day, Lennox's forfeiture was reversed.* The speech of Maitland, on that occasion, for its topicks, and eloquence, would do honour to any chancellor of England. After dandling Dudley before the disdainful eyes of Mary, Elizabeth found a properer puppet, in Darnley. At the solicitation of his mother, Elizabeth allowed her son, to repair to the court of Mary, early in February 1564-5 : Both Dudley, and Cecil, knowing the secret of Elizabeth, solicited Darnley's passport to Scotland. Before the end of March, Mary, having resolved to marry Darnley, determined to send Secretary Maitland, to communicate

supposed to favour, for the love he beareth to Mary Fleming : Seton, and Lethington, are become enemies, in the cause of Douglas." Keith, 259. Randolph again wrote to Cecil, on the 3d of November 1564, that, the Queen maketh no word of Darnley ; yet, many suppose it concluded, in her heart ; and that Maitland is, wholly, bent that way." *Id.*

* Robertson's *App.* No. ix ; Keith's *App.* 158. The Countess of Lennox sent, by Melvill, a watch set with diamonds, and rubies, to Secretary Maitland. Melvill's *Mem.* 52.

her secret purpose to Elizabeth.^a He arrived at court, with that purpose, on the 18th of April 1565. From the epoch of that avowal, every practice was used, by Elizabeth, which the wisdom of her counsellors could advise, to disappoint the fond pair of their wished-for happiness: Intrigue, and declarations, denunciation, and recal, threats, and tumult, privy conspiracy, and rebellion, were all tried, on that envious occasion.^b Maitland returned to Edinburgh, on the 13th of May, in company with Throckmorton, who was sent to promote all those views of Elizabeth. Meantime, Mary seems to have suspected, that her Secretary Maitland was not altogether to be trusted.^c He

^a After informing Cecil, how Bothwell had threatened Murray, and Maitland, Randolph wrote the English secretary, on the 7th of April 1565, that Maitland is in readiness to depart for England. On the 14th of April, he set out from Berwick for London. Randolph accompanied Maitland to Berwick; whence he wrote to Cecil, "that Maitland now partook of the griefs, at the prospect of the Queen's marriage with Darnley." [Unpublished dispatch, in the Paper Office.] One would suppose, from a comparison of the whole context of the State Papers, that Secretary Maitland had been already gained, by the English government, to mis-serve his mistress.

^b Cecil's *Diary*, in Murdin.

^c Randolph, in writing to Cecil, on the 3d of May 1565, said: "Lord Ruthven, Maitland's chief friend, is wholly

was, however, present in council, at Stirling, on the 15th of May, when the Queen received Throckmorton :^d and the convention of nobles advised Mary's marriage. Maitland continued, about the Queen, as secretary of state, "merely for the need of her service, rather than for any trust she had in him."^e But, such was the profligacy of the moment, and of the men, that it was not easy to know, whom she could trust ; when we see her chancellor, and her secretary, plotting with her rebels, and corresponding with her enemies.^f What a picture of profligacy does Randolph paint to Cecil ! The Queen, meantime, by the force of her popularity, ex-

theirs [the Queen and Darnley]: Maitland is suspected to favour the Queen, and Darnley, more than he would seem ; and yet, *is not trusted by them* : Lennox being in great want of money, borrowed 500 crowns, from Maitland." [An unpublished dispatch in the Paper Office.]

^d Keith, 277.

^e Thus, wrote Randolph to Cecil, on the 3d of July 1565. Keith, 288.

^f Randolph, in an unpublished dispatch to Cecil, of the 12th of October, says : " Some wise men are enemies to this government [the Queen's] : *Maitland* is as far, in this matter [Murray's rebellion] as any other ; of the same bond, and league, are the Earl of Morton [the chancellor] and Lord Ruthven ; they only espye their times, and make fair weather, until it come to the pinch." [MSS. in the Paper Office.]

pelled the rebels, though she had Morton, for her general. The Duke, the Earl of Murray, with their deluded followers, on the 5th of September, retreated to Dumfries, where they were allowed, for some weeks, to loiter.^a In the midst of all that degeneracy, Maitland, constantly, attended the Privy Council, in July, August, and September, October, November, and December, when measures were taken against his associate rebels;^b giving misadvice to Mary, and true advice to Murray,

After all the perturbations of 1565, a year of

^a See Cecil's *Diary*, in Murdin, 760: 5th of September, the lords of Scotland came to Dumfries; 24th of September, a consultation, at Windsor, whether the lords of Scotland, being expelled, by the Scots Queen, should be aided; on the 10th October, I was sent to Nonsuch to confer with, the Earl of Arundel, concerning *the proceeding against the Queen of Scots. Id.* All those consultations ended in this: Elizabeth obliged Murray, on his knees, to acknowledge before the ambassadors of France and Spain, that she had never incited his rebellion; that she had never aided him; that she had never countenanced him. What baseness in him! What duplicity in her!

^b Keith, 309-20; *App.* 106-7: And yet, Randolph wrote to Cecil, on the 31st of October: "My old friend Lethington [Maitland] hath leisure to make love; and in the end, I believe, as wise as he is, will show himself a very fool, or stark staring mad." [*MS. Dispatch*, in the Paper Office.] It is not always easy to follow the dark insinuations of the artful Randolph to the prescient Cecil!

privy conspiracy, and restless rebellion, Mary, with her husband, lived awhile quiet, whilst Murray was suffering penance, in England, and Lethington *was making love*, at Edinburgh.

The year 1566 opened, with the practices of perfidy, which were still more atrocious, than had yet occurred. Darnley, the simple, was taught to distrust, and to disquiet the Queen: Like an infant in the nursey, he whimpered, for a bauble, which is known in the Scottish story of that age, by the name of *the crown matrimonial*, and which she had given him, on their wedding-day, though he was unconscious, that it adorned his brow.ⁱ Murray was, by any means, to be restored, from exile, while he was threatened, with Parliamentary forfeiture. A formal contract was now made, between Darnley, and the exiled nobles; he engaged, on his part, to procure their restoration; and they stipulated on theirs, to support his claim to the *government, without the Queen*:^k Such were his,

ⁱ He was acknowledged, and treated as King, and his name was inserted with the Queen's, in formal proceedings. He was King, by the courtesy; as in elder times, the husband of a countess was acknowledged, as an earl: Such was the *matrimonial crown*: And those, who murdered Darnley, were held to have committed *treason*.

^k See the documents, in Goodall, i. 227-31; Keith's *App.* 120-1.

and their, notions of the *crown matrimonial*, to acquire which they wished to dethrone the Queen, who was the real sovereign, while Darnley was only king, by courtesy.

In order to consummate all those objects, the friends of Murray, Morton, Maitland, the Secretary, Lord Ruthven, and other conspirators agreed, to assassinate Rizzio, the Queen's French Secretary, within the palace, for the obvious purpose of dissolving the Parliament, and distracting the government. The part, assigned to Secretary Maitland, was, to keep the Queen ignorant of so odious a purpose, and to entertain Athol, in the palace, while the murder should be done.¹ The 9th of March 1565-6 was the treasonous day, when this aggravated assassination was committed, by the matrimonial king, assisted by the Chancellor, Morton, and by Secretary Maitland, and by the other conspirators, in the Queen's closet; she being present, in a pregnant state. The crime, which was thus committed, was an aggravated murder, as to Rizzio; but it was an atrocious treason, as concerning the Queen.² Secretary Maitland now

¹ Goodall, i. 269, from Calderwood: But, two of the Secretary's servants were present, at Rizzio's murder.

² A forcible attack upon the sovereign's palace, the sovereign being therein, was an act of high treason, by the Scottish law: In this case, the Chancellor led the attack, and

lost his office, of which, from his perfidious conduct, he had long been unworthy: Sir James Melvill, who had equal perfidy, but not equal talents, succeeded him, as Secretary." The conspirators were now obliged to take the place of Murray, who returned amidst this perturbation. While this cloud lowered on so many guilty persons, Maitland concealed himself, within the fastnesses of his father's territories, in Lauderdale. He had many friends, who solicited for his restoration; Randolph, Murray, and above all, Athol, who maintained his inte-

the Secretary, by conniving, at this horrible crime, was equally guilty of high treason.

" Melvill, *Mem.* 67, says, " He served, in place of Secretary at home, when Lethington was absent, *under some suspicion*. What history! In the Act of Privy Council of the 19th of March, for prosecuting the many persons, who were concerned in that treasonous murder, Maitland was not present. Keith's *App.* 130-1. On the 4th of April 1566, Bedford wrote to Cecil: " Lethington despairs of pardon, and must fly into England." *Ib.* 168. On the 25th of the same month, it was said, " Lethington has liberty to live in Flanders." Lethington now applied, for protection, to Randolph, the corrupt agent of Elizabeth. On the 2d of May, Randolph wrote to Cecil: " Lethington's friends intercede for him, that he may not be banished: *The Queen is more his friend, than Darnley.*" Lethington was thereupon ordered to reside, in Cathness. Yet, he himself desired to leave Scotland. Keith's *App.* 169.

rests against Bothwell. During the first week of August, while Mary enjoyed the refreshing air of Alloa, after the birth of James, she agreed, with her usual grace, to see, and restore Maitland.^o

This singular statesman appears thus, after such treasonous misconduct, to have regained his lands, his offices, and, perhaps, as much confidence, as he had ever enjoyed. He attended the Queen to the assizes, at Jedburgh, where the Queen's anxieties had nearly proved fatal to her life. We see him busy, on that sad occasion, dispatching the several letters.^p While he thus acted, Darnley, amidst his discontents, with himself, and others, endeavoured to remove Maitland, and other considerable men, from the Queen's government.^q This absurd pretension of a prince, who presumed to think,

^o Keith, 334 : In the same month of August, Murray, and Bothwell, were at *evil words*, before the Queen, for the Lord of Lethington. Robertson's *Hist.* 435 ; *App.* No. xvii. The contest was, about the lands of the Abbey of Haddington, which had been given to Lethington, and which Bothwell wished to reclaim. *Ib.* ^p Keith, 347-52 ; *App.* 133.

^q There is a letter of Robert Melvill, the Queen's ambassador at London, to the Queen's resident, at Paris, dated the 22d of October 1566, wherein he says : " Darnley was dissatisfied ; because he could not get the Secretary [Maitland], the Justice Clerk, and the Clerk Register, put out of their offices." Keith, 351,

that he could rule, in such a country, amidst such men, by offence, rather than by softness, cost him his life.

The Queen, after a short excursion along the Tweed, attended by her court, returned to Craigmillar-castle, near Edinburgh, on the 20th of November 1566. Longer the nobles could not live, without a plot. It was observed, by men of such discernment, as Maitland, and Murray, that Darnley did not visit the Queen, till late, though he knew of her illness, at Jedburgh: It was known to every one, that he had not one friend, in Scotland, except his father, if he might be called his friend, who indulged, rather than corrected, such wayward humours, in his son: And upon those observations, Maitland, and Murray, conceived the design of divorcing the Queen, from Darnley, in order to induce her to pardon Morton, and the other assassins of Rizzio. Early in December, Maitland, and Murray, made a formal proposal, first to Argyle, Huntley, and Bothwell; and immediately after to the Queen, of divorcing her from Darnley; on condition of pardoning Rizzio's murderers. Maitland was obviously the author of this project; and was certainly, on that occasion, the speaker who made that dangerous proposal to the Queen, in the presence of Murray, Argyle, Huntley, and Bothwell. If the Queen had

agreed to this project, the purpose of Maitland, and Murray, seems to have been, to obtain such divorce, by Act of Parliament, and, perhaps, take his life, by attainder, in Parliament. Bothwell entered into this measure, with so much alacrity, that he seems to have been, previously, acquainted with the whole design.¹ It was the opinion of Huntley, and Argyle, who were present, at that transaction, that Maitland, and Murray, founded on the Queen's refusal of a divorce an ulterior project of depriving Darnley of his life, by the hand of Bothwell.² This

¹ Anderson's *Col.* iv. 188; Keith's *App.* 136: Spottiswoode accuses Maitland of fostering the Queen's disgust against Darnley; of projecting a divorce between them, before the Queen went to Jedburgh, and of reviving this project, after her return. *Hist.* 196.

² Goodall, ii. 320. Buchanan, in his "Chamelion," charges Maitland with such a design. He was afterward attained, by Parliament, as being guilty of devising the King's death. The minor conspirators confessed, at their execution, that they understood, the whole lords, who had been, on that occasion, with the Queen, at Craigmillar, had agreed to the commission of that odious deed. Arnot's *Crim. Trials*, 384; Anderson's *Col.* ii. 177-8. Bothwell, and Maitland, hated each other. In April 1566, the Earl of Bothwell's servants confessed, that Secretary Maitland had engaged them, to murder their master. Keith's *App.* 167. In the subsequent August, Murray, and Bothwell, had an altercation, in the Queen's presence, about Maitland's lands. Robertson's *Hist. App.* No. xvii. About that time, Bothwell opposed the resto-

was the deliberate judgment of the convention of nobles, with Archbishop Hamilton, at their head, which met, at Dunbarton, on the 15th of September 1568: "But, seeing," say those nobles, "that her grace, with the pleasure of God, did escape their hands, and relieve herself, from prison, [at the murder of Rizzio, March 1566] wherethrough that the doers thereof [Morton, and Ruthven] were banished, for their enterprize, and also hearing of the young behaviour, through foolish counsel, of her said husband, they [Maitland, and Murray] caused make offers to our said sovereign lady, if her grace would give remission to them, that were banished at that time, to find causes of divorce, either for consanguinity, in respect [as] they alleged the dispensation was not published, or else for adultery; or then, to get him convicted of treason, because he consented to her grace's retention in ward; [the Queen's imprisonment, in her palace:] or what other ways to dispatch him, [Darnley:] So that it maybe, clearly, considered, and is a sufficient presumption, in those respects, her grace having the commodiousness

ration of Maitland, though indeed without success. Keith, 334. Bothwell thought to have slain Lethington [Maitland] in the Queen's chamber, had not her majesty come betwixt. Melvill's *Mem.* 80. Nearer *dagger's-drawing*, such statesmen could not well be, during an irascible age.

to find the means to be separated: and yet, would not consent thereto, to appear, that her grace would never have consented to his murder, having such other likely means, to have been made quit of him, [Darnley,] by the lords own device; but, that it may be inferred, that they were the doers thereof only; [the murderers of Darnley;] as was deponed by those, who suffered death therefore; who declared, at all times, the Queen, our sovereign, to be innocent thereof."^t Such, then, are the facts, as they were stated, by the contemporary convention of nobles, some of whom were actors, in the very scene. It was a refinement altogether worthy of such an age, and of such men, to wreak their vengeance on two obnoxious characters [Darnley, and Bothwell] by making the one hated person assassinate the other.

Maitland continued to act, as Secretary of State, both to the Queen, and Murray, during very difficult times. That he knew of the purpose to destroy Darnley, without revealing the design, is certain. From the epoch of the plot, at Michaelmas 1566, that he carried on a

^t See the whole document, in Goodall, ii. *App.* No. 139, from Q. Mary's *Reg.* The facts, which are stated, in those instructions of so many prelates, and nobles, are so very important, that it was thought fit, not to embarrass the reader with obsolete orthography.

correspondence, by Murray's direction, with Morton, whose pardon was the great object, is also, certain; as we know from his letters, which remain, as of record against him. Morton was pardoned, by the Queen, at Christmas 1566. Morton arrived, at Whittingham, between the 15th and 20th of January 1566-7. To this place of convenient intrigue, Maitland conducted Bothwell, on a visit to Morton, soon after his arrival there, from England. We know this important fact, from Drury's correspondence with Cecil, as well as, from Archibald Douglas's letter to the Queen. The object of this meeting with Morton, we, also, know, was *to concert the murder of Darnley*; as we learn, as well from Morton's confession on the block, as from Douglas's letter, who was present, at Whittingham. In that concert, it is apparent, that Maitland took a very active part: And, taking such a part, in such a conspiracy, the Secretary incurred, thereby, the guilt of treason.

From what passed, during that concert, Maitland knew, that Bothwell did not possess any written documents, which could satisfy Morton of the Queen's guilty desire, with regard to her husband. From the epoch of that concert, however, Maitland appears, to have strengthened Bothwell's hands, in effecting the

great object of that conspiracy. Darnley was assassinated, by the conspirators, on the 10th of February 1566-7.

When Murray retired, amidst those guilty scenes, from Edinburgh to Paris, Maitland, and Morton, were left by him, his political agents. A few days after, when Bothwell was tried for that murder, Morton, and Maitland, obtained his acquittal, by their agency : Maitland, particularly, baffled Elizabeth's application, for delaying the trial of Bothwell. Maitland was one of the Queen's commissioners, for opening the Parliament of April 1567 ; and he was one of the few, who were chosen on the Committee of Articles.*

When the Parliament rose, Morton, and Maitland, obtained a declaration of several peers, and prelates, declaring the innocence of Bothwell, and recommending him, as the fittest husband, for the Queen. The guilt of such measures, and of such a declaration, need not be mentioned. Bothwell was thus incited, by the criminal conduct, of Morton, and Maitland,

* *Parl. Rec.* 749-50 : When there were so many ratifications passed, by that Parliament, his aged father obtained a ratification of the barony of Blyth. [*Id.*] But, the Secretary had himself no ratification of any thing. [*Id.* ; Keith, 379.]

to seize the Queen, by an armed force ; and, by it, to carry her to his castle of Dunbar. Bothwell, thus, by coercion, obtained the guilty object of Morton, and Maitland, in obliging the Queen, to consent to marry him. Maitland proceeded one step further, in obtaining that guilty object : He followed the Queen, as Secretary of State, to Dunbar-castle, not to give her good advice ; but, to encourage her, to agree to marry the ravisher, as her most salutary step. Secretary Maitland, continuing his villanous career, after betraying the Queen, by so many criminal artifices, into the ruffian's arms, charged the Queen with the murder of her husband ; as she had married Bothwell, whose marriage contract he signed.*

The Queen's marriage with Bothwell was scarcely consummated, in pursuance of all those artifices, and violence, of Maitland, and Morton, than these two agents of Murray began to intrigue against the Queen, and to treat Bothwell as a *scape-goat*. Maitland sat, on the 22d of May, in the Queen's council, as Secretary of State, seven days after her marriage with Bothwell.† And it is important to remark, that Maitland attended on his unfortunate mis-

* Keith, 379-83-5 ; Melvill, *Mem.* 80 ; Goodall, ii. 61.

† Keith, 387.

tress, as Secretary, on the 15th of June, when she relinquished Bothwell, on Carberry-hill, and, joining the insurgents, was carried captive into Edinburgh. Maitland, according to his practice, attended the Queen, on those occasions, in order to betray her. On the 16th of June 1567, she was committed prisoner to Lochleven-castle ; when Maitland joined the insurgents, as Secretary of State.

A loud outcry was now raised, from feelings, which were more feigned than felt : No one cared for Darnley : But, the moment, that the Queen committed herself, by marrying Bothwell, the publick indignation broke out, with great violence. Murray, and his two agents, Morton, and Maitland, had at length gained their great object ; as that indignation was now turned upon the Queen, from the real murderers of the King, Murray, Maitland, and Morton. Elizabeth, and Cecil, gave notoriety to all those events, throughout France, and Spain, while the real murderers were concealed, from the eyes of the world.

Cecil knew, from Murray, as he passed through London, on his way to Paris, what would happen, in Scotland. The insurgents, with Maitland, for their Secretary of State, corresponded with Murray, through the friendly hands of Cecil : As soon as Maitland learned,

that Cecil approved of the present insurrection, the insurgent Secretary began to correspond with Elizabeth's Secretary, whose protection was of infinite importance to the insurgent nobles.* Maitland, as Secretary of State, for the insurgent nobles, went forward to Fast-castle, to meet Throckmorton, who was sent, from Elizabeth, to intrigue among those nobles, for her own interest. Maitland managed this intrigue, on the side of the nobles, throughout Throckmorton's whole negotiation, in July

* Maitland's letter to Cecil, from Edinburgh, on the 1st of July 1567, at night; in the Paper Office.

Sir,

Having conferred with Mr. Melvill, since his return, I perceive as well the continuance of your constant friendship towards me, in particular, as *your allowance of this common quarrel*, enterprised by a good number of our noblemen, for the recovery of the honour of this country almost lost, for that shameful murder, in the same committed, and not punished; for which, your good disposition, I pray God, and do most heartily thank you. I do also understand by his report, that the Queen's majesty, your mistress, is most gently inclined, to allow of the justice of our cause, and by her countenance to advance the same, which doing I am sure her maj. shall never have occasion to repent herself: For, as the matter is, in itself, *godly*, and worthy to be well taken of all Christian princes; so, I trust, her maj. shall find, hereafter, these nobles, not unmindful of that comfort whatsoever they shall receive, at her Highness's hands, to the furtherance thereof.

1567. He represented Maitland, as the only one of any eminence, in Scotland, who wished to restore the Queen, on condition of punishing Darnley's murderers, of a divorce from Bothwell, and of security for religion. "God knows," Throckmorton exclaimed, "he is fortified, with very slender company, in this opinion."^a Maitland, also, managed Throckmorton's intrigue, *for sending the Prince into England*, which disclosed Elizabeth's cloven foot.^b Maitland concurred, with Throckmorton's insidious advice to Mary, for resigning her crown, on the pretence, that a resignation, during imprisonment, could not be lawful. This did not prevent Maitland, from attending, at Stirling, as Secretary, during the coronation of the Queen's infant son, on the 29th of July 1567.^d Maitland, immediately, joined Murray, at Whittingham, before the Regent arrived, at Edinburgh, on the 11th of August; and was present, as Secretary, when that artful statesman, formally, accepted, on the 22d of the same month, the predestined Regency.^c He still continued to negotiate with Throckmorton, under Murray's government; and to

^a Robertson's *Hist. App.* No. xxii; Keith, 430-1.

^b Keith, 423.

^c Melvill's *Mem.* 85; Goodall, ii. 166-344.

^d Keith, 437. • *Ib.* 452.

find argument, and eloquence, equipollent to the crafty wisdom of that very sufficient statesman.^f It was in the midst of those conversations, with Throckmorton, that Maitland disclosed to him the ulterior charges, which the revolted nobles meant, to make against their imprisoned Queen. As early as the 25th of July 1567, they disclosed to him, their design of accusing the Queen of *tyranny*, of *incontinency*, of the *murder of her husband*; whereof, as Maitland said, they had apparent proof; as well, by witnesses, as by her *hand-writing*, which they had recovered.^g Such were the charges, and the proofs, which Maitland communicated, who is supposed, to have contrived the whole charge against the Queen: He is, particularly, charged, on *apparent proof*, with being the forger of the supposititious letters of Mary, which now began to be talked of, privately, rather than disclosed publicly. Those letters were first relied on, as evidence, in the *Secret Council* of the 4th of December 1567, when the revolted nobles thought it necessary, to prepare, for the approaching Parliament, sufficient motives, to justify their revolt, their

^f *Ib.* 457-8.

^g Throckmorton's letter, *Cot. Lib. Cal. C i.*; and Goodall, ii. 61.

imprisonment of the Queen, and their seizing of her government. Maitland sat in this Secret Council; and it was his duty, as Secretary, to see that the Act of Privy Council was fitly drawn: And, as Secretary he must have seen those letters, and described them, from inspection, as written, and *subscribed*, by the Queen. It is unnecessary to remark, how many of the Privy Counsellors, who now accused the Queen of the murder of her husband, were afterwards convicted themselves of that odious deed: One of these was Secretary Maitland, who was undoubtedly guilty. When the Parliament met in December, it was equally the duty of the Secretary to exhibit those proofs of the Queen's guilt: He went into the Committee of Articles, without the Queen's letters; but they did not now appear the same; being only written by her, and not subscribed:^h But they were not produced in Parliament. Among the million of guilty acts of Maitland's life, the charging of the Queen with murder, and bringing forward such fictitious letters, as proofs of the crime, whereof he was himself, attainted, by subsequent Parliaments, is the most hideous.

In the meantime, the Secretary's father, Sir

^h See the Statute Book; Goodall, *iii* 67; Anderson's *Col.*

Richard Maitland, at the age of seventy-two, resigned, on the 20th April 1567, the *Privy Seal*, to his second son, John, the Commendator of Coldingham. This venerable man, who lived to ninety-two, appears to have been deeply affected, by the sad scenes of violence, and tergiversation, which had been long acted before the disgusted nation. And, he gave vent to his feelings, in his *Satire on the Age*, and in other poems, which paint in true, rather than brilliant colours "the oppression of the commons."¹ The good old man bestowed on his son, who was certainly as accomplished, as he was knavish, much salutary advice, which, it had been happy for his fame, his fortune, and his country, had he as sincerely followed, as his father had affectionately given.

The conspiracy, for dethroning the Scottish Queen, and crowning her infant son, may claim Secretary Maitland, for its contriver. The escape of Mary, from Lochleven-castle, on the 2d of May 1568, gave rise to many events, in the annals of Scotland, and in the life of Maitland. He fought against his indulgent mistress, at the battle of Langside, on the 13th of the same month, the loss of which obliged her to seek a fatal refuge in England.² The Se-

¹ See his Poems throughout.

² Keith, 481.

cretary, with his brother John, the Privy Seal, were two of the Commissioners, for opening the Parliament of July 1568.¹ He sat in that Parliament, when many of Mary's friends, who had fought for her, at Langside, were forfeited.^a

The distresses of Mary, and the artifices of Elizabeth, produced the project of an inquiry, in England, as to the recent events, which had ended, with the expulsion of the Scottish Queen. That such an inquiry, conducted, as it must have been, by the genius of Cecil, must necessarily, end, in the disappointment of the Scottish Queen, and in the disgrace of her opponents, was quite apparent. The Regent, the Chancellor, Morton, and others of less note, were appointed Commissioners, to manage the inquiry, on behalf of the infant King against his mother : The Regent Murray seems to have been somewhat puzzled, whether to leave Secretary Maitland, in Scotland, or to carry him, with the Commissioners, to the inquiry at York. In this choice of difficulties, Murray chose to carry Maitland with them, as an Assistant Commissioner.^a The Commissioners of Eliza-

¹ *Parl. Rec.* 805.

^a *Ib.* 806-7.

^a Spottiswoode, 218 ; Goodall, ii. 109 : It should seem, that Maitland had long opposed the sending of any Com-

beth, of Mary, and of the infant king, at length assembled at York, on the 4th of October 1568. The oaths being taken by all parties to act, honestly, proceeded to the business of the inquiry, by the exhibition of their several commissions.

While the English Commissioners were thus occupied, though they had taken the oath of fidelity, which required fair dealing, on the proposal of Murray, they allowed his assistants, at the head of whom was Maitland, to lay before them, privately, the whole proofs, forged, and unforged, against the Scottish Queen, which the English Commissioners abstracted, and sent to Elizabeth. Of the unfairness of this, little need be here said.^o Norfolk was afterwards charged with perjury; as he had acted against his oath of honesty. In this manner, then, was an attempt made, thus covertly, to convict the Scottish queen of the murder of her husband.^p

missioners, as unfit, both for the country, and the Queen. He is said to have been induced to accompany Murray, "by large promises of rewards." On the 18th of September 1568, the day, on which the Commissioners were appointed, the Treasurer, by the Regent's order, paid 200*l.* to Secretary Maitland, who was going to England, with his grace. [Treasurer's *Acc.* of that date.] ° Sadler's *State Papers*.

^p That disgraceful transaction is recorded in the *Cot. Lib.*

Elizabeth, suspecting some secret movements, at York, removed the inquiry, from thence, to Westminster. Maitland, and M'Gill, were directed to repair to court, for managing the renewed inquiry, on the Regent's side. On the 25th of November, the inquiry was renewed, at Westminster. On the morrow, by the management of Cecil, Murray was induced, contrary to his engagement with Norfolk, to charge the Queen with the murder of her husband, which he undertook to prove.¹ It did not require the reproaches of Maitland, to make Murray feel the compunction of breach of trust. Yet, after the conference had been suspended, another agreement was entered into, between the Duke, and the Regent, which had, for its end, a marriage, between Norfolk and the Scottish Queen. In this well-meaning, but imprudent measure, Maitland had his full share.² And though Mary, and Norfolk, never saw one another; yet, did they carry this intercourse the full length of virtual betrothment. On the 18th of January 1568-9, after Elizabeth had

Calig. C i. f. 198; and was transcribed into Anderson's *Col. ii. 58*; and Goodall, *ii. 140-1*.

¹ Goodall, *ii. 192-206*; Melvill's *Mem. 96-7*.

² Tytler, *ii. 209-10*; Robertson, *i. 300*; Melvill's *Mem. 98-9*.

obtained her object, by a formal charge against the Scottish Queen of an odious crime, Murray, and his associates, set out, for Scotland.

As Mary was thus charged, with her husband's murder, on very doubtful proofs, she now returned the charge on her guilty accusers. In her instructions to her Commissioners, at York, she had pointed, at Maitland, without naming him, as the forger of the letters, which had been mentioned as hers, before the Privy Council, and Parliament, of Scotland.* Without knowing what documents had been produced, at Westminster, against her, she earnestly asked for a sight of them, or copies; engaging to prove their falsehood: But, though this request was allowed to be just, it was always denied; as Cecil, and Elizabeth, knew that Murray's proofs could not bear examination. Mary undertook, if these copies were given her, to prove Murray, at least his principal associates, on that occasion, guilty of the murder of her husband: Cecil, and Elizabeth, knew that she pointed at Maitland, and Morton, as the most guilty persons; and they feared, that

* In the Act of Parliament, forfeiting Bothwell, there was a clause, mentioning Huntley, and Secretary Maitland, that was abstracted, when sent to England, as proof. *Acta Parl.* iii. 8, the clause, within the hooks [].

themselves might be implicated, in the result of such recriminations.[†] They closed this scandalous inquiry, for ever, though they affected only to adjourn it. Their sole object had been, from the beginning, merely, to disgrace the Scottish Queen, by means of Murray's calumniations ; and they obtained their odious end, but with their own shame, Murray's dishonour, and Maitland's ruin.

The Scottish Commissioners returned to Scotland, on the 2d of February 1568-9.^{*} We have seen the intrigues with Norfolk begin, at York ; they were continued, throughout the whole course of the inquiry, at Westminster, and Hampton-court ; and they were continued, after the inquiry closed, and the Commissioners had separated, never to meet again. Mary, and Norfolk, talked in vain of a marriage, while her previous marriage with Bothwell, which had been so reprobated, remained undissolved. The intrigue, as it was now continued, during summer

[†] See Goodall, ii. 807-12. Soon after her arrival, at Carlisle, Mary had informed Lord Scrope, and Sir F. Knollys, as we have seen, that Maitland, and Morton, were participant in her husband's murder, however, they affected then to prosecute others, for their own crime : This information Scrope, and Knollys, had conveyed to Elizabeth, by their letter, from Carlisle, of the 29th of May 1568. See it in Goodall, ii. 69. ^{*} *Privy Seal Reg.* xxxviii. 25.

1569, naturally, assumed two points ; to gain Murray's consent to the proposed marriage of Mary with Norfolk ; and above all, to obtain a parliamentary divorce, from the expatriated Bothwell, which, we might suppose, would have been readily granted, as the separation of Mary, from Bothwell, was one of the avowed principles of the revolt, which ended in the Queen's dethronement.*

While all these hopes of success, and happiness, were indulged, a pretty numerous convention of prelates, and nobles, was assembled, at Perth, on the 25th of July 1569, for the purpose of discussing Elizabeth's proposals, with regard to Mary.† Throckmorton, and Mait-

* On the 1st of June 1569, Norfolk wrote Murray, in cypher, urging him to assent to the marriage. *Cecil's Journal*, in Murdin, 767. On the 1st of July, Norfolk, and Throckmorton, wrote both to Maitland, and to Murray, on the subject of Mary's marriage with Norfolk ; and Lord Boyd was made the bearer. *Id.* ; Spottiswoode, 230 ; and Robertson, i. 303. On the 3d of July, Maitland wrote to Throckmorton, on the same subject. *Id.* On the 20th of July 1569, Throckmorton wrote to Maitland in answer. Robertson's *App.* vol. i. No. xxxii. They had even obtained, from Bothwell, powers, enabling Lord Boyd, to assent, for him, to any proceeding, for his divorce, from the Queen. [*The Kilmarnock Archives.*]

† *Cabala*, 155 : For the names of the persons, who attended that convention, see a very rare 4to. pamphlet, being a collection from the records of the three *Bands*, p. 12-15.

land, now expected that Murray would, at this convention, carry through the divorce of Mary, from Bothwell ; and that Maitland would be sent into England, to negotiate the marriage of Mary with Norfolk. It is astonishing, that two such profound statesmen, as Throckmorton, and Maitland, could, for a moment, suppose, that Elizabeth would allow the Duke of Norfolk to marry the Scottish Queen. They had been deluded, egregiously, and by none more than by Murray: He had acted, deceptuously, throughout: And, he now induced the convention, to disapprove of divorcing the unfortunate Queen. The leaders of this convention, with Lord Chancellor Morton, at their head, the very men, who had revolted, with the declared design, of separating Mary from Bothwell, now refused their consent, for that end ; and the only reason, which Murray, and his faction, assigned, for breaking their engagement to the Queen, when she joined them on Carberry-hill, was, that, she refused to be separated, from Bothwell, after she had, in fact, separated herself, from him. But, they all acted, under the artifices of Cecil, in obedience to Elizabeth's wishes, and in still greater subservience to their own interests.

Disappointed in all his hopes, and disgusted, at Murray's perfidy, Maitland retired, from the

convention, with his powerful friend, the Earl of Athol: And Murray returned to Stirling.* Here, then, was the crisis, whence those two associates, in roguery, Murray, and Maitland, separated, for ever. Murray was, equally, disgusted with Maitland, for projecting the restoration of Mary; and having shown his own duplicity, he dreaded Maitland's power of mischief. The Regent would have impeached the Secretary, in the late convention; but, he feared his many friends, and he knew, that the Atholmen, at the command of their

* Cecil wrote to the ambassador, Norris, at Paris, on the 3d of August 1569:—"The 25th of last month, the Earl of Murray began a convention, at St. Johnstown [Perth]; and meaneth to send us, as I think, the Lord Ledington [Maitland] hither, with his mind, concerning the Queen of Scots." *Cabala*, 155. On the 13th of August, Cecil again wrote to Norris: "The convention of St. Johnstown was dissolved about the 2nd of this month; and on Wednesday last, came hither one Alexander Hume, from the Regent, with letters; declaring that he had an universal obedience, in Scotland; and that the States, there, would not consent to any thing, concerning the Queen of Scots's restitution, by any manner of degree; wherewith, her majesty is not well pleased; because she hath a disposition to have her [the Scottish Queen] out of the realm, with some tolerable conditions, to avoid peril, which is a matter very hard, at least to me, to compass." *Cabala*, 155-6. There is no end to the *oracles* of this *Nostradamus*! Why did not they tell the Scottish Queen to quit the English kingdom?

Earl, could have surrounded the convention of Perth, at an hour's notice. Murray now resolved to crush Maitland, at a blow.^a But, it was necessary to calm the ruffled spirits of Maitland, before he could get him within his fangs : And he wrote him several friendly letters, from Stirling ; requesting his presence, in council, there ; to settle a dispatch for England. Maitland, and Athol, were thus induced, to attend the Council, at Stirling : But, they had no sooner entered the council-chamber, than the notorious Thomas Crawford entered with an accusation of Maitland, as a participant, in the murder of Darnley.^b Maitland offered security, to answer the charge : but, the pre-determined Council voted his immediate imprisonment : And Murray, thereupon, commit-

^a It is curious to remark, that the despicable farrago of falsehood, called Paris's confession, which was drawn up, by Buchanan, and Wood, under Murray's eye, on the 10th of August 1569, mentions Maitland, and Sir James Balfour, as privy to Darnley's murder, Anderson's *Col.* ii. ; Goodall, i. 148. Throughout the plots, for the murder of Darnley, and the dethronement of Mary, Maitland acted, under Murray, as his master : Yet, in the logick of some, Maitland was guilty, and Murray was innocent !

^b Crawford was a retainer of Lennox ; was mentioned in the fabricated letters, as a confidant of Darnley : and was carried to London, for the odious purpose of testifying, *what he did not know to be true.* Goodall, i. 53.

ted this famous Secretary to Stirling-castle. On the same night, the Regent caused Sir James Balfour to be arrested, upon the same charge. Murray, with his usual duplicity, protested, that Maitland was accused, and Balfour arrested, *against his will*; and that the Council was so *banded* against both, that it was not, in his power, to save them from prison. Kirkcaldy, the gallant governor of Edinburgh-castle, hearing of those arrests, sent a message, to the Regent, demanding that, the like justice should be done upon the Earl of *Morton*, and Archibald *Douglas*.^c We thus see, that the Regent knew, that Maitland, and Balfour, were guilty: Kirkcaldy knew, that Morton, and his relation Archibald Douglas, were also guilty: And, we shall perceive, in our progress, that the whole four were positively guilty.^d

The Regent appointed the trial of Maitland, on the 24th of November 1569. Athol mean-

^c Melvill's *Mem.* 100.

^d For all those curious intimations, see Melvill's *Mem.* 100; Spottiswoode, 231-2; and the contemporary *History of King James VI.* 69-70; Goodall, i. 397: In the Cotton Library there is a letter, from Maitland, 30th of October 1569, to one of his friends; requesting him, to appear, at Edinburgh, on the trial of the charge brought against Maitland, for being concerned in the murder of Darnley. *Calig.* C. i. 346.

time retired into the fastnesses of his alpine country. Murray conveyed Maitland, from Stirling to Edinburgh, where he was lodged in a house near the castle, under an appropriate guard.* Kirkcaldy, the governor of Edinburgh-castle, hearing that Maitland was to be sent to Tamtallon-castle, and knowing that, his destruction was predetermined, resolved to rescue him: and, pretending a warrant, from the Regent, he easily imposed upon Maitland's guard, and carried him, triumphantly, into the castle.† To be thus circumvented, by a blunt soldier, who was not famous for his guile, sunk deep into the Regent's heart.‡ He dissembled, however, his disappointment; and, with his

* Melvill, who then enjoyed the Regent's confidence, says, that the reason, for lodging Maitland so near the castle, was, to decoy the governor, from his castle, on the morrow, under the pretence of receiving Maitland into his safe custody; and, if he should come out, the Regent meant to detain him, till he should surrender the castle to a different keeper: And, Melvill also relates, that Morton had appointed four assassins, to slay Kirkcaldy, at the entry of the Regent's lodging, without his knowledge, indeed: But, as Kirkcaldy distrusted the Regent, he avoided the snare. Melvill's *Mem.* 101.

† Melvill's *Mem.* 100-1; Spottiswoode, 232.

‡ "I know," says Melvill, "that the carrying of Maitland to the castle sunk deepest into the Regent's heart." *Mem.* 102.

accustomed artifice, endeavoured to decoy the governor, from his castle: But, Kirkcaldy had now seen so much of Murray's perfidy, that his distrust was quite awake to the Regent's wiles.^b And, so anxious was Murray to regain Maitland, that he went himself into the castle: "For he durst trust Kirkcaldy; though Kirkcaldy would not trust Murray."¹ The Regent now employed all the artifices of dissimulation in vain:^k Kirkcaldy refused to deliver Maitland; but promised to bring him into court, on the day of trial.¹ This respectable soldier continued to resist every device, which subtilty could suggest, for inducing him to betray the Secretary into the Regent's hands. Sir James Melvill, who would also be a statesman, proposed to the Regent, to allow Maitland to go into voluntary exile; giving security, that he would not return, and offering his son, for a hostage. But, the Regent had views, which he did not open to the well-meaning Melvill.^m The same statesman also interposed, in favour of Balfour, who had already gained the goodwill of the Regent's favourites, by means of money, that had been properly bestowed: And, Balfour even advised Maitland, to use similar means, promising

^b *Id.*¹ Spottiswoode, 232; Melvill, 101.^k *Ib.* 102.¹ Spottiswoode, 232.^m *Mem.* 102.

equal success : But, the Secretary knew too well his own importance, to expect his safety, from such mean men.^a

Meantime, Cecil had early suspected the intercourse of Norfolk, with the Scottish Queen ; and had carefully counteracted their measures.^o Murray, and Maitland, were both implicated in those intrigues. Murray, on that occasion, opened his bosom to Cecil ; and tried to make others equally loquacious. Robertson, the historical apologist of Murray, declares that, “He deceived and betrayed Norfolk, with a baseness, unworthy of a man of honour.”^p He not only acted basely himself, but endeavoured to make others act, with the same baseness : He practised his arts on Maitland, in vain :

^a Melvill, *Mem.* 101-2. Melvill intimates, that the wicked society, which surrounded the Regent, hated Maitland ; because he, as well as Kirkcaldy, despised their selfishness, and detested their rapacity ; and because his talents were so superior to theirs. *Id.*

^o Cecil's *Diary*, Murdin, 767-8. On the 21st of September 1569, George Carey was sent post to the Earl of Murray, to understand his doings in the marriage. *Id.* The Duke of Norfolk was brought to Windsor, in charge of Edward Fitzgarret. On the 5th of October, the abbot of Dunfermling came from the Earl of Murray, with advertisement of his knowledge of the Duke of Norfolk. On the 9th of October, Norfolk was sent to the Tower. *Id.*

^p *Hist. Scot.* i. 533.

The fear of death did not induce Maitland to reveal what he knew of Norfolk's conduct.³ He even denied, that he had ever mentioned such a marriage to the duke, in direct terms.⁴ Murray at length held a convention, to inquire into Maitland's guilt; and to support his proceedings, he stationed Morton, with three thousand men, at Dalkeith.⁵ Kirkcaldy, in pursuance of his promise, now appeared before the Regent, and said he was ready to produce

³ There is, in the Paper Office, an unpublished letter from Murray to Cecil, of the 9th of October 1569, wherein he says: "This my letter is formed upon the very words, and device, of the Lord of Lethington [Maitland]: Howbeit, to be plain with you, he has flatly denied to me, in any sort, to be an accuser of the Duke of Norfolk; thinking he shall escape from these storms." He accuses Maitland of corresponding with Cecil, though he had promised, that he would not.

⁴ In another unpublished letter, in the Paper Office, Murray wrote to Cecil, on the 7th of November: "He had again questioned Lethington on the project of the marriage: But, he constantly affirms, that there was never any mention of the said marriage, betwixt the duke and him, in plain, and direct words, neither in privy conference, nor by letters, whatsoever he might otherwise of himself, and the proceedings there, collect in his own mind." He offers, that as soon as he shall have an end in the matter, that he is charged with here, he will, gladly, go into England, and answer before the Queen [Elizabeth.]

⁵ *The Hist. of King James VI.* 76.

Maitland in judgment, if there were any one present, to accuse him. None appeared: and Maitland's brother protested thereupon, that the Secretary was entitled to his liberty; since no one appeared to accuse him: 'Murray now gave up the present pursuit of Maitland, by adjourning the trial, on pretence, that the convention, which he had called, for his accusation, had only convened to prevent a failure of justice.' A shot, from the vengeance of the injured Hamilton, soon after, sent Murray, to answer, untimely, for the various villanies of his artful life.*

The moment that Cecil heard of the death of Murray, he sent off the notorious Randolph to Scotland, and the Bishop of Ross, as a prisoner to the Bishop of London. Maitland took that occasion, to write Cecil: urging him, to use his influence, for reconciling the parties, which distracted Scotland.* Strange, that so acute a statesman, as Maitland, did not see, through the disguises of Cecil, that his artifices aimed, only, at distracting the country of his

* *The Hist. of K. James VI.* 70.

† See Murray's speech, from Calderwood's *MS. Hist.* in Goodall, i. 397-8.

‡ That memorable event happened, on the 23d of January 1569-70. Birrel's *Diary*; and Burleigh's *Journal*.

§ Murdin, 769.

¶ Haynes, 575.

hate. But, Maitland was still uncleared of the foul charge of Darnley's death. Morton himself undertook this ungracious task, though he knew Maitland's guilt. A convention of those, "who hated the Queen, and her cause," was assembled, at Edinburgh, for that end. On the 14th of February 1570, it was urged, for Maitland, that though he had been accused of Darnley's murder; yet, that was not the true reason, which had moved the late Regent, to detain him. Each member being now asked, if he knew his guilt, made answer, that he esteemed him innocent; and acknowledged him, to have been an useful instrument, *in furthering God's glory, and the common good.*^a This declaration was signed, by Morton, and twenty-one other counsellors of Murray, and by Athol, the constant friend of Maitland.^b The exculpated Secretary now resumed his appropriate office; and Kirkcaldy was freed from the charge of restraining the liberty of the friend, whom he had saved, by his spirit.

Maitland now made use of his freedom, to reconcile parties, by promoting quiet. He endeavoured to concert a meeting of the nobles

^a Contemporary *Hist. of K. James VI.* 81; and the Act of Privy Council, in Goodall i. 398-9.

^b See the list, in the contemporary *Hist. of K. James VI.* 81-2.

of both parties, at Edinburgh, on the 4th of March 1570 : But, his success was not equal to his intentions, amidst such contrarieties, which were promoted by Cecil's wiles. He wrote soon after to Leicester ; urging him, to promote, in Elizabeth's mind, mutual reconciliation, rather than avowed hostilities.* Maitland gained many friends to this salutary principle ; among whom were Kirkcaldy, who held Edinburgh-castle ; Home, a powerful baron, on the borders ; and Athol, who repented, that he had ever drawn his sword against the Queen. He tried to collect the Queen's friends together : Some of those friends, on the 18th of April 1570, held a conference with Morton ; in order to settle the country, by some agreement : But, that interested chief could not be brought, to approve of reconciliation, knowing that, the English army was about to enter Scotland ; in order to chastise the Queen's friends. Kirkcaldy, meantime, liberated from the castle, Lord Seaton, Lord Herries, and the Duke of Chattelherault.⁴ But, entreaties were of little avail, in stopping the advance of the English army ; since there was no force, to oppose them. Maitland, and

* Robertson's *Hist. App.* No. 1. On the 15th of March, the Earl of Sussex, as lieutenant of the North, went, northward, to make preparations, for war. Murdin, 769.

⁴ Bannatyne's *Journal*, ii. ; *Cabala*, 162-3.

and Kirkcaldy, remonstrated, in vain. Sussex, who commanded the invading army, demanded, that the friends of the Scottish Queen should disavow their proceedings, at Linlithgow.^e The English army conducted the Earl of Lennox, who was destined, to be the new Regent, to Edinburgh, on the 13th of May 1570, whence they departed, for Glasgow, on the 16th.^f On the same day, Foster, the captain of Warkecastle, made an inroad into Lauderdale, and ravaging the estate of old Sir Richard Maitland, carried off whatever could be moved. The venerable knight was thus injured; because he was the father of the renowned Secretary; and he felt it the more, as he considered it as done, in time of peace.^g This invasion was an act altogether worthy of Cecil's malignity, and Elizabeth's baseness.

Maitland now found it necessary, to look, for shelter, in the recesses of Athol, where he remained, during the summer.^h He wrote the Bishop of Ross, who then lay at Chatsworth, to know, if he might come into England, on his

^e Spottiswoode, 239-40. ^f Bannatyne's *Journal*, 16-17.

^g See Maitland's *Poems*, ii. 305: Sir Richard soon resumed his good humour, which enabled him to write some verses, which he called, "The blind Baron's comfort."

^h Bannatyne's *Journal*, 22, who is studious to insult the Secretary.

former footing. But, the bishop was told, by Leicester, Elizabeth's favourite, "that she will no ways have you come, as one of the commissioners; because she is yet offended with you."ⁱ

By the influence of Elizabeth, and the direction of Cecil, the Earl of Lennox was chosen Regent of Scotland, on the 17th of July 1570.^k Randolph, the experienced agent of Elizabeth, began now to exert his usual artifices. And, he tried his unprincipled arts, to detach Maitland, and Kirkcaldy, from Mary's friends, by acknowledging the King's regent.^l But, they

ⁱ Robertson's *App.* iii: Lesley's letter is curious: "Your answers to the Englishmen are thought very good; but, you will do well to keep out of their hands: I am sorry, you cannot come, for the great relief, I hoped to have had, by your presence; for you could well have handled the Queen of England, after her humour, as you were wont to do." *Id.*

^k *Cot. Lib. Calig. C. ii. 271.*

^l On that occasion, Randolph wrote Maitland, and Kirkcaldy, a letter, which is preserved, in Strype's *Annals*, ii. *App.* No. ix; and which is extremely curious, both for its topics, and style. "As for conscience; he reasons, she is not worthy to live whose cause ye defend, having committed so horrible an offence: Ergo, no conscience, by order, to put her down: And less, not to obey her; least to obey her unjust quarrel. This you know yourselves: This you have spoken yourselves. This you have allowed yourselves. Yourselves wrote against her, fought against her; and were the chiefest cause of her apprehension, and imprisonment, and dimission of the crown; *with somewhat more,*

knew each other's principles, and practices; and Randolph reasoned, and threatened, in vain. This corrupt agent now advised the Regent, to irritate Kirkealdy, by all manner of slights, to himself, and to his dependants.^m

The chiefs of the Queen's party, with Maitland, at the head of them, soon after, held a council, during several days, at Blair of Athol.ⁿ The Secretary, though afflicted with the gout, was the soul of all those consults. He prevailed so far with the courts of France, and Spain, feeble as they were, as to engage Elizabeth to enter into a new negotiation with the Scottish Queen. And he laboured, successfully,

that we might say, if it were not to grieve you too much herein. [He means their participation, in Darnley's murder:] But, plainness argueth friendship; and so do, I trust, yee take it.—So that you two were the chief occasions of all the calamities, as she hath said, that she is fallen into: You, Lord of Liddington, by your persuasion, and counsel, to apprehend her, to imprison her; yea, to have taken presently the life from her: And you, Lord of Grange, by your solicitation, travel, and labour, to bring in others, to allow thereof; and to put in execution that, which by the other, you Lord of Liddington was devised."—It is very horrid, to hear this corrupt agent, talk in this manner, who was participant, in every crime, which had disgraced Scotland, from the interception of Mary, till the murder of Darnley.

^m Melvill's *Mem.* 108.

ⁿ Bannatyne's *Journal*, 37-8, which contains the names of the persons, forming that convention.

for an abstinence from hostilities, for two months, commencing from the 3d of September.^o In violation of this truce, the Regent made an attack on Maitland, by citing him to appear before the council; and on his failing to appear, the Regent proclaimed him a rebel, and deprived him of the office of Secretary. His office was conferred on Pitcairn, the commendator of Dunfermlin. A party of soldiers was, soon after sent, by the Regent Lennox, to take possession of the castle of Lethington, and to lay waste the estates of the venerable Sir Richard, as well as those of his son, the Secretary. Complaint was made of this breach of the abstinence from warfare, to the Earl of Sussex, Elizabeth's lieutenant, in the North.^p The Regent answered, that Maitland being the King's subject, who had submitted to the royal authority, could not claim the benefit of the truce. But, of the Scottish nobles, in that corrupt age, it cannot be said, in Milton's language, "that they were burdened, with the debt immense of endless gratitude." Maitland had performed the part of Chancellor, in that Parliament, which restored the titles, the estates, the blood

^o See the terms of it, in Spottiswoode, 243. It was continued, by several renewals, till the 1st of April 1571:

^p Spottiswoode, 244; *Contemp. Hist. of James VI.* 108-9; and Dalryell's *Illustrations of the Scottish Hist.*, 520,

of Lennox, for whom he made an admirable oration: And he had afterwards lent him money, as we have already seen. Maitland now avowed, that he would not acknowledge the Regent; and that he was on the side of those, that would perform their duties to the Queen of Scots, and her infant son. In this reciprocation of *words*, which, as Shakspeare says, "if they help nothing else; yet, do they ease the heart," Lennox replied that, it was no wonder Maitland should not acknowledge him, as Regent; since he had been accused of the foul murder of his son, Darnley; that though he had declined, contrary to his engagement, from the King's party, he must still be subject to accusations against him, in the King's name: And as it was not the English Queen's object, to protect any one under the late abstinence, who was supposed to be guilty of the late King's murder, he who had been charged therewith, during the late Regent's time, ought not now to complain of a breach of truce.¹ Lennox seems to have been now acting under Randolph's advice, *to vex* his opponents, as if any thing were to be gained, by the irritation of such a man, at such a moment. In answer to some proposal of Sussex, respecting the intended treaty, the

¹ Spottiswoode, 244.

Regent professed to give no molestation to the Commissioners, on the Queen's part, in their journey, provided their names, and the number of their train, might be notified ; otherwise some that were guilty of the murders of the late King, and Regent, might steal away among them.^r This seems to have been intended, as a bar to Maitland, who was thus pressed on a delicate point, by the imprudence, or enmity, of Lennox, who, if he had pressed Bothwell, when that guilty noble stood at the bar of the Justiciary Court, might have prevented much mischief, and many crimes.

In contemplation, however, of such a treaty, Maitland arrived from Athol, in Edinburgh-castle, though oppressed by the gout, in April 1571.^s In the night of the 14th of April, Captain Melvill seems to have come, from the castle, to the printing-house of Robert Leckprevick, who printed the *Cameleon*, Buchanan's well-known libel against the Secretary's tergiversation : Buchanan, in his zeal, forgot, that he himself was a *Cameleon* ; that too many, in Scotland, were but *Cameleons* of the worst kind : But, Leckprevick, and his libel, appear to have found refuge, in some safer place.^t On the

^r Spottiswoode, 246.

^s Bannatyne's *Journal*, 130.

^t *Ib.* 130-1.

14th of May, the Queen's party held a Parliament, in its usual place, the Tolbooth of Edinburgh; while the Regent held a Parliament of the King's party, in the suburb of the same city, called *the Canongate*. Neither of these Parliaments can boast of their *abstinences*. In the Regent's Parliament, which was urged by the vigour, or enmity, of Morton, the Chancellor, was, plainly, the least moderate, in its legislation. Maitland, and his two brothers, and three of the Hamiltons, were attainted of treason. The crime of Maitland was specified to be, "the foreknowledge, and counsel, of the murder of the late King."^a The same nobles, Morton, Mar, and others, we may observe, who now attainted Maitland of the King's murder, had all concurred, in signing a declaration, on the 14th of February 1570, as to Maitland's innocence of the same crime.* By what evidence, they were induced to change their former opinions, and to declare him innocent, does not appear. In this manner, then, was this able man found guilty of the treasonous murder of the late King, which he had undoubtedly sug-

^a Bannatyne's *Journal*, 154; Spottiswoode, 253. These attainders were ratified, in the following Parliament, at Stirling, the 28th August 1571. *Acta Parl.* iii. 58-9.

* *Contemp. Hist. K. James VI.* 81-2; Spottiswoode, 253.

gested, and promoted ; and was punished, for his guilt, as well as, for his duplicity, and tergiversation. After Morton had become Regent, Maitland, in December 1572, wrote a letter to the Laird of Carmichael, for the inspection of his master, Morton ; reminding him of the old friendship, between them, and of the many services, which Maitland had done to Morton ; and accusing the Regent of having been the chief procurer of his pretended forfeiture, for a crime, wherein he knew, in his conscience, Maitland *was as innocent as himself*. To these several charges, and insinuations, Morton answered, as follows : “ That I knew him, as innocent as myself, the contrary thereof is true : for, I was, and am innocent thereof ; but, cannot affirm the same of him : *considering what I understand, in that matter, of his own confession of before to myself*.”[†] It was but a sorry sight, to see two assassins, the one the Secretary, the other the Chancellor, of Scotland ; accusing each other of such a crime, as the King’s murder. Maitland was thus attainted ; and appears to have confessed the crime, in his moments of confidence, to the

[†] Those two very instructive letters of Maitland, and Morton, are preserved, and published, in Dalrymple’s *Illustrations of Scotch Hist.*, 474-5 ; 480-1.

Chancellor: Morton was afterward convicted, and on the block of shame, confessed the same crime: It was a grievous aggravation of their guilt, that they endeavoured, by falsification, and by perjury, to fix the same offence on their sovereign, whom they betrayed, and whom they knew to be innocent: But, it was some extenuation of Maitland's guilt, that he had endeavoured to prevent Murray's accusation of the Queen before Elizabeth; and to restore her to her rights.

But, new changes were at hand. Lennox was killed, at Stirling, on the 4th of September: And, on the 5th, the Earl of Mar was chosen Regent in his room.^a On the 7th, a writing, from a Parliament of the King's friends, at Stirling, was sent to the Queen's party, within the town, and castle, of Edinburgh, with some intimations of reconciliation.^a On the 8th of October, Elizabeth's answer, to the writing, which had been sent her, by Maitland, and Kirkcaldy, was delivered to them.^b Two days after, they sent her a replication; so ready were the head, and hand, of Maitland.^c

^a Bannatyne's *Journal*, 255-6; *Acta Parl.* iii. 65.

^a Bannatyne's *Journal*, 263-6. That writing was chiefly addressed to Maitland, who was known to be the soul of the Queen's party.

^b Robertson's *App.* ii. No. iv.

^c Bannatyne, 272-3.

The same messenger soon returned, from Berwick ; and delivered to those within Edinburgh-castle, Maitland, and Kirkcaldy, Elizabeth's conditions, which they had already contemned.⁴

The storm, which had cast down the house of Norfolk, in 1571, and which, in its effects, involved the fortunes of the Queen of Scots, continued to be felt, in Scotland, at the beginning of the subsequent year.⁵ The Regent, Earl of Mar, was willing to promote the quiet of his country, whatever might be wished, by Cecil, or desired, by Elizabeth : But, he was, constantly, thwarted by Morton, who was promoting the objects of Cecil, while he sought his own.⁶ At the end of July 1572, the Regent agreed to an *abstinence*, for two months, commencing from the 1st of August ; in order to negotiate the pacification of those civil broils, which had so long harassed a distracted country.⁷ Meanwhile, arrived, at

⁴ *Ib.* 275-6.

⁵ Murdin, 771-2.

⁶ The Regent had been induced to appoint Morton the King's lieutenant, in the South ; and, of course, Morton commanded the whole of the hostilities against all those, who held the castle, within, as well as, their connexions, without.

⁷ *Cot. Lib. Calig. C iii.* 325-33 : As this abstinence was contrary to Morton's wishes, it was soon violated ; and Maitland, and Kirkcaldy, complained of this, in vain. *Ib.*

Edinburgh, Killigrew, Elizabeth's envoy, to negotiate, for her interests; bringing with him two *familiar* letters, from Secretary Cecil to Maitland, and Kirkcaldy.^b Killigrew sent those letters by Melvill, while he communicated his commission to the Regent. The English envoy returning from Stirling to Edinburgh, went into the castle to visit Maitland, and Kirkcaldy, whom he found much more reasonable, in their desires of peace, than the Regent's party.ⁱ The Regent still considering the quiet of the country, as his great object, employed Sir James Melvill, as his envoy to Maitland, and Grange. He found them, as Killigrew had already perceived, very desirous of peace.^k

335-38-83. On the 30th July, when the Abstinence was signed, Maitland wrote to Cecil; representing his intentions, and services, in making the Abstinence; and courting Cecil's favour, which was not to be had, without subservience. *Ib.* 332. On the 10th of August, Maitland wrote to the Scottish Queen, representing the oppressed state of her party, in Scotland; the cruelties exercised on those, who held Edinburgh-castle; the remissness of France, in affording aid: And he added, that they had been compelled to agree to an Abstinence: This letter was intercepted. *Ib.* 364.

^b Bannatyne, 388; Melvill's *Mem.* 115-17.

ⁱ Melvill, 116.

^k *Ib.* 117; wherein their reasonable terms may be seen; and may be compared with the same terms, as stated, in

The Regent agreeing, as we have seen, to the terms of Maitland, and Kirkcaldy, came from Stirling to Edinburgh, for the convenience of the Privy Council, towards the ratification of the peace, which was so necessary, for all parties.¹ The *abstinence*, which was about to expire, was continued first, for eight days, and afterward, for two months ; in order to settle a comprehensive peace, for so many parties :^m But, the star of Morton, shining always brightest, during the troubled atmosphere of his country, shed its baneful influences on the Regent's measures. Mar sickened at the sight : and retiring to Stirling, disappointed, and chagrined, he died on the 28th of October 1572 :ⁿ

Spottiswoode, 263 : But, the Regent's answers, in Spottiswoode, 264, do not agree with those in Melvill, who expressly says, that the Regent agreed with those terms ; calling in Murray, the Comptroller, to witness the conditions : And, Melvill adds, " the Regent put his hand in mine, and did swear to the peace, in the said Comptroller's presence." Melvill's *Mem.* 117 : So that Spottiswoode must be, egregiously, mistaken, in relating this transaction.

¹ Melvill, 118.

^m Bannatyne, 397. Maitland, and Kirkcaldy, said to Melvill, " They desired no man's lands, nor goods ; but only the liberty, of peaceably enjoying, their own." The Governor of Edinburgh-castle, indeed, desired the Regent, to pay for repairing the castle, and artillery, which the Regent agreed to. *Mel. Mem.* 117.

ⁿ Such is Spottiswoode's account of the death of the

And he was succeeded, by Morton, as Regent, under the happier auspices of Cecil, and Elizabeth, whose agent he was, in an evil hour, for his country.

Maitland, and Knox, were old enemies, as Cecil had once been. When Kirkcaldy, as governor of the castle, commanded, also, the city of Edinburgh, Knox retired, from his enmity, to St. Andrews. When the Abstinence enabled the preacher to return, he was invited back to his charge, by the appropriate Commissioners : But, he would not consent, to return, till those Commissioners stipulated, that his tongue should not be bridled, from railing against Maitland, Kirkcaldy, and their associates, in the castle.^o Of this privilege, he made abundant use ; thinking to make them, by vehement accusation, as odious to the people, as the preachers had made the Queen. He at length accused Maitland of *atheism*. Of such an accusation, Maitland complained to the con-

Regent Mar, *Hist.* 264. But, Melvill, who acted, in the passing scene, tells this sad tale, in very different terms : Till the Privy Council could be convened, the Regent went to Dalkeith, where he was nobly treated, by the Lord Morton ; shortly after, *he took a vehement sickness*, which caused him to ride to Stirling, where he died regretted, by many : Some of his friends, and the vulgar, suspected, *he had gotten wrong* at Morton's banquet. *Mem.* 118.

^o Bannatyne, 372-3.

stituted authorities of the Edinburgh Church; charging the preacher with abusing his privilege, with want of christian charity, and defiance of good order, without which no established society could possibly exist. The feebleness of Knox's answer seems to evince, that he had said of Maitland what he could not prove: But, it was vain to seek redress, from such men, during such times.^p The preachers had learned, from Knox, that there could be no preaching, without impertinence; and the people had been taught, to allow impertinence, rather than want preaching. Neither party seemed to look up through the Scriptures to the example of the Saviour of mankind, which was meekness itself; or to consider, that his divine doctrine consisted in meekness; or to advert, that charity, and calumnation, cannot exist together; as their several qualities are quite distinct. Knox died, on the 24th of November 1572, the ominous day, on which Morton was chosen Regent.^q It was the opinion of the historian, Robertson, that Knox's sermons had taught the Scotch people liberal notions of true government.^r The historian had certainly

^p *Ib.* 415-16.

^q Bannatyne, 425-7.

^r The historian Hume seems to have thought, differently from Robertson, touching Knox, and his sermons.

never heard Knox's sermons, and had, perhaps, never read his "First Blast of the Trumpet against the monstrous Regiment [Government] of Women."* Knox therein expresses his as-

* I have before me the first edition of this book, 1558, without the printer's name. This libel, as we learn from Strype, was answered, by John Aylmer, who was afterwards Bishop of London, in a tract, entitled "An Harborowe for faithful and true Subjects, against the late blown Blaste concerning the Government of Women." This curious book, which seems to have been printed, at Strasborowe, in April 1559, I have now before me. "Happening not long agone," he says, "to read a little booke, strange written, by a stranger, to prove, that the rule of women is out of rule, and not in a commonwealth tolerable: And weighing at the first what harm might come of it, and feeling at the last, that it hath not a little wounded the conscience of the simple, and almost cracked the duty of true obedience: I thought it more than necessary to lay before men's eyes the untruth of the argument, the weakness of the proofs, and the absurdity of the whole. In the sifting whereof, I mind to use such modesty, that it shall appear to all indifferent men, that I seek to *defend the cause*, and not to *deface the man*." Aylmer had fifty times more wit, more learning, and more argument, than Knox. Under Bishop Aylmer, I must shelter one of my abovesaid sentiments: "So that," says he, "*good example* is, oft-times, much better than a *great deal of preaching*." Knox, by tedious epistles, tried to quiet Elizabeth's apprehensions of his Blast, and to mollify Cecil's wrath. The Secretary condescended to answer Knox, by a letter from Oxford, on the 28th of July 1559: "Mr.

tonishment, "that none of the learned men of England are found so stout of courage, nor loving to their nation, that they dare admonish the inhabitants, how abominable before God is the empire, or rule, of a wicked woman, yea of a traitress, and bastard." Such were Knox's liberal notions of government! By his fanaticism, and forwardness, Knox injured himself, in the judgment of the wisest men; he quarrelled with Murray; he maligned Maitland; and he offended Cecil: Elizabeth's Secretary wrote to Sadler, and Crofts, on the last day of October 1559, when Commissioners were to be sent, from the Scottish Reformers: "Of all others, Knox's name, if it be not Goodman's, is most odious here; and therefore, I wish no mention of him hither: If Balnavis should come, it would prove dangerous." We thus see what

Knox! Mr. Knox! Mr. Knox! There is neither male, nor female; all are one, in Christ, saith Paul. Blessed is the man, who confides in the Lord! I need to wish you no more prudence than God's grace: whereof God send you plenty.—W. Cecil."

¹ Sadler's *State Letters*, i. 532. Goodman was odious to Elizabeth, for his book, printed at Geneva, by Crispin, in 1558: "How superior powers ought to be obeyed of their subjects; and wherein they may lawfully, by God's word, be disobeyed, and resisted." It was in this tract, that Goodman justified *Wyatt's Rebellion*; and declared him to be blessed, therefore, in heaven. Balnavis was one of the assas-

impressions the principles, and practices, of such men had made on the court of England, which yet employed them to embarrass, and ruin the Scottish Queen. The notions of government, which were entertained, and acted upon, by Knox, and Goodman, by Balnavis, and Buchanan, are the very notions, which are now so well known, and so much detested, under the name of *Jacobinism*: and which, as they are only fit for revolutionary societies, cannot be easily tolerated, under any settled government. But, Robertson did not live long enough, to feel, and to fear, the danger of such doctrines.

Neither Knox, nor wiser men, sufficiently, considered the immoral tendency of *reformati-
ons*, which are effected, by such means; by calumny, and violence, by tergiversation, and treachery. They did not, amidst the passing scenes of tumult, and villany, look back upon the civil wars of Greece, and of Rome, which had produced such degrading effects on the human character." What ancient history had said of the effects of civil wars, and tumultuous reformation, the revolutions of America, and of

sins of Beaton, and a pensioner of England, under Edward VI., and a Lord of Session, under Murray.

* Lord Lyttelton, in his *Henry II.* [B. iii. ch. 51.] shows, that all *civil wars* cause a laxity of principle, and depravity of practice.

France, amply confirmed. Luther, and Knox, both lived, to deplore the wickedness of the world, after their several reformatations.*

The history of Scotland, through many a wretched age, evinces the truth of those principles, and exhibits too many examples of their deplorable effects.

With the death of the Regent Mar all hopes of peace vanished. Morton, only, looked for forfeitures, and wished for spoils. At that epoch, the friends of the Scottish Queen were divided into two parties, though they were united on a general principle. Hamilton, and Huntley, were at the head of one party; Maitland, and Kirkcaldy, who held the castle of Edinburgh, were at the head of the other: And of this division, Morton availed himself, in negotiating a reconciliation. Maitland, and Kirkcaldy, by desiring to include the whole of the Queen's friends, acted the most disinterestedly: Hamilton, and Huntley, by making an accommodation, without including those, in Edinburgh-castle, acted most feebly, and interestedly.† Thus stood the distractions of Scot-

* See Luther's *Sermons*, every where; see his *Postill super Evangelia*, 1. *Dom. Advent.*

† Melvill's *Mem.* 119-20; Dalryell's *Illustrations*, 474. Melvill acted as the agent of Morton, in making that paci-

land, in which Maitland had his full share, at the end of 1572, when the *Abstinence* expired.

Hostilities now began with the defenders of Edinburgh-castle; while the *Abstinence* was continued with Hamilton, and Huntley; for concluding the accommodation with them.^a Maitland, and Kirkcaldy, endeavoured to invigorate the spirits of Huntley, to persevere, in the cause of his injured mistress.^a But, his means were exhausted, and his hopes failed, as the danger drew near. On the 23d of February 1572-3, a reconciliation was made, at Perth,

fication; and of course is the best authority: Elizabeth, and Cecil, who wished to deceive the French court, as to the state of Scotland, are scarcely to be believed. See their several papers, in Digges's *Ambassador*.

^z On the 17th of January, 1572-3, Maitland, and Kirkcaldy, wrote to La Motte, the French Ambassador; representing the breach of the *Abstinence*; their reduced state; and desiring relief, from France. *Cot. Lib. Calig. C iii.* 388.

^a In the *Cot. Lib. Calig. C iv.* 22, there is a letter from Maitland, and Kirkcaldy, to the Earl of Huntley, 23d February 1572-3; exhorting him, not to forsake their cause hastily: This letter was written, from Edinburgh-castle, on the same day, that Huntley, and Hamilton, made their peace with the Regent, at Perth. On the same day, Maitland wrote to Lady Livingston, desiring her, to use all her influence with Alexander Erskine, the brother of the late Regent Mar, to keep the young King, and Stirling-castle, out of the hands of the Regent, and the English party. *Id.*

by the Regent Morton with Hamilton, and Huntley, under the mediation of Killigrew, Elizabeth's agent : But, as no provision was now made, for Maitland, and Kirkcaldy, they were offered as a sacrifice to Morton's resentment.^b From Perth, where that treaty was made, Hamilton, and Huntley, wrote to Kirkcaldy ; lamenting their necessities, and thanking him, for his services.^c Such a letter, at such a time, from such men, without noticing Maitland, only, told Kirkcaldy, that he must surrender Edinburgh-castle to the King's Regent, without hope of pardon to any of the Queen's friends within it.

As soon as they heard of such a reconciliation, on such stipulations, Maitland, and Kirkcaldy, renewed their offers of submission to the Regent, on any reasonable terms : But, Morton would scarcely listen to any offers, from those, whom he hoped, soon to crush.^d Yet, he gave out what was repeated, by his party, and re-echoed from the pulpits, for involving them in popular hatred, that they were

^b See the treaty in Bannatyne's *Journal*, 445 ; the *Contemp. Hist. of K. James VI.* 211-28 ; and Killigrew's declaration, in Robertson's *Hist. App.* No. vi.

^c Melvill's *Mem.* 120, who complains of Hamilton, and Huntley's ingratitude to Kirkcaldy.

^d Melvill's *Mem.* 119-20, who perfectly knew the fact.

so wilful, as to refuse to serve the King, or to acknowledge his Regent.* Morton, acting in concert with Elizabeth, knew, that he could any day, bring from Berwick an army, which would soon lay the castle in ruins.^f In the end of February 1573, he applied to his willing associate, for the necessary force.^g In this extremity, Maitland and Kirkcaldy offered to surrender the castle to the Earl of Rothes, for the Regent's use, on their former terms of personal safety to themselves, and friends : But, Morton would agree to no other terms, than

* Spottiswoode, 270 ; and the *Contemp. Hist. of K. James VI.* 229, re-echo the fictions of Morton. See Elizabeth's instructions to the Earl of Worcester, going Ambassador to France, dated the 11th January 1572-3 : " They, in the Castle, would not agree to any *reasonable terms, not minding to have any peace.*" The fact, throughout this instruction, is wilfully misstated, for the purpose of delusion. Digges's *Ambas.* 320.

^f Mr. Secretary Smith wrote to Walsingham, the ambassador at Paris, soon after the pacification of Perth : " There is none left now, in all Scotland, but Lethington, and Grange, in the castle of Edinburgh, who refuse the King, and the Regent's authority, who must either yield, *or else they will be pulled out by the ears.*" *Ib.* 346.

^g On the 2d of March 1572-3, Maitland, and Kirkcaldy, wrote to Killigrew, vindicating themselves, and charging the Earl of Morton : They remonstrated against Elizabeth's sending troops to crush them. *Calig.* C iii. 117.

absolute submission.^b Meantime, the Earl of Rothes, and Lord Boyd, endeavoured to persuade Kirkcaldy, and Maitland, to yield, for their own welfare." But, they still refused, unless the Regent would grant them the terms, which they had given in, on the preceding 24th of August.^c Sir William Drury, the marshal of Berwick, who knew the defences of the castle, came, with his army, to cut this knot, which could not be untied. The Regent, immediately, joined him with his forces. The siege began, on the 25th of April 1573; and after a well-conducted, and obstinate defence, of four-and-thirty days, surrendered, by Maitland's advice, to Drury, under his promise, in Elizabeth's name, that the governor, and his associates, should be favourably treated.^d

^b Melvill's *Mem.* 120. On the 1st of April 1573, the English pioneers, for the siege of Edinburgh-castle, arrived from Berwick, by water, at Leith. *Contemporary Hist. of King James VI.* 230. The governor applied, now, for an abstinence, till the 9th of April; but, this was refused. *Id.*

^c *Id.*

^d Melvill's *Mem.* 120-1. There now surrendered Sir William Kirkcaldy of Grange, the governor; Sir James Kirkcaldy, his brother; William Maitland of Lethington, the celebrated Secretary, and his wife, his brother, John Maitland, the Commendator of Coldingham; Lord Home, and his lady; Sir Robert Melvill, the creature of Murray, his brother Sir Andrew Melvill, and several gentlemen of

William Maitland, who was not second to any statesman, during an age of talents, died about the 9th of June 1573: Godscroft, the historian of the Douglasses, says, "He deceased on the 9th of July [June] at Leith, where he lay with Drury, before he was suspected, and reported, to have poisoned himself." There is

Fife, and some citizens of Edinburgh. On the application of Morton to Elizabeth, she consented to deliver them over to Morton's will, in violation, says Melvill, 121, of her honour pledged, by her commander. Maitland, and Kirkcaldy, continued to write to Killigrew, and Cecil; but, he was as deaf, as his mistress, to the voice of honour. Letters in the *Cot. Lib. Calig. C. iii.* 461; and *C. iv.* 86.

¹ *Hist. Douglasses*, 329. Killigrew, the English envoy, at Edinburgh, wrote the Lords of the Council, on the 13th of June, of the death of Lethington, who, he says, "died not without suspicion of poison." *Cot. Lib. Calig. C. iv.* 101; Melvill, 133, and Spottiswoode, 272, concur in saying, that being surrendered, by Elizabeth, he died, after the *Roman manner*. Doctor Robertson is completely mistaken, in stating Maitland's *voluntary death* to have happened, *after* the execution of Kirkcaldy, as it *actually happened* near *two months before* the execution of that gallant soldier, which took place, on the 3d of August 1573, with every aggravation of the pains of treason. Morton, who dealt in poison, is said to be more than suspected of having poisoned Maitland. This last intimation seems to have been conveyed to the imprisoned Mary: In writing to Elizabeth, the Scottish Queen, after remarking, that the rebels had gone further than they thought, and being satisfied of the truth being

yet extant, a pathetick letter, from Maitland's second wife, the celebrated Mary Fleming, praying that, *his body might suffer no shame*.^m Such a letter, from such a woman, of such a man, ought to be given to the curiosity of the publick.

The character of Secretary Maitland, has been drawn in very striking colours, by the vigorous pencil of a great artist: "Such a very extraordinary man does Lethington appear, under the pourtraying pencil of Buchanan! Nor, can we make any deductions, from this imputed extravagance of perfidiousness in him: because of the slanderous tendency of Buchanan's temper. Some of these facts, we know to be true. All of them serve only to give us back the image a little enlarged, and a little disfigured, perhaps, which the mirror of history had held up to us before. Lethington felt a

evidenced, concerning the calumnies propagated against her, at the conference, "the principals, for having come to repentance, were besieged, by your forces, in the castle of Edinburgh; and *one of the first among them poisoned*, and the other most cruelly hanged; after I had twice made them lay down their arms, at your request, in hopes of an agreement, which, God knows, whether my enemies aimed at." Whitaker's *Vind.* iii. 592. This is the only original authority, which seems to justify the suspicion of Maitland having been poisoned. ^m Dalrymple's *Biographical Sketches*, 133.

perpetual versatility in his spirit, a perpetual unfaithfulness in his principles, and a perpetual fund of resources, at the call of both, in the dexterity of his own management. He was happy to render himself an important associate to his party, which he was actually serving at the time. To undermine his enemies, and to countermine his friends, appears to have been the great ambition of his refining genius. And thus, in the very moment, when he was fabricating that grand system of imposition against Mary, he would plume himself at once on forming it, and on giving it, during the formation, such private marks, such secret signatures, by little errors in time, and by petty variations, from fact, as would escape the notice of every other eye; and yet should enable him, whenever he pleased, to expose the whole villany completely to the world." Such is the singular portrait of this extraordinary statesman!

But, what character can be drawn of a person, whose life was a life of *crime*? Falsehood and forgery, artifice and perfidy, murder and assassination, treason, and subduction of his own country to a foreign power, were the crimes of which he was, undoubtedly, guilty. Whether he died, by his own hand, or by the hand of a wretch, who was more criminal than himself, is somewhat doubtful. Killigrew, the English

agent, wrote, from Edinburgh, to the Lords of the English Council, on the 12th of June 1573 : “ Nothing remarkable has occurred here of late, but Ledington’s death, whereof my Lord general doth advertise your lordships ; *who died not without suspicion of poison* ; although, for my own part, I am able to say nothing therein : For, I neither do see, nor speak with any of the prisoners, since they came forth [of the castle ;] because they were so odious, both to the Regent, and the people.”^m The following is the Lord general’s letter to Burleigh, from Edinburgh, on the 18th of June 1573 : “ After the Regent’s coming to Edinburgh, and the ambassador, on Monday last ; after the conference with them both, next day, I delivered to the Regent, in presence of the ambassador, the prisoners committed to me ; viz. Lord Home, Grange, Coldingham, Robert Melvill, whom the Regent intends to keep, in Holyrood-house, till her Majesty’s pleasure be further known. I have been pressed, by the Earl of Athol, and others, *that the body of Lidington might be buried, and not remain above the earth, as it does* ; but, being stayed, for some further matter, I could say little therein.”^m

That Secretary Maitland was guilty, with

^m The original is in the Paper Office.

others, of the late King's death, is quite obvious: The meeting with Morton, in company with Bothwell, whom Maitland carried to Whittingham, for concerting that murder, is the very fact, for which the Regent Morton was brought to the block, in 1581.^a At the parliament, which was convened, by the Regent Lennox, on the 14th of May 1571, Secretary Maitland was declared guilty of the murder of the late King.^o

The following is the letter of Mary, the widow of Secretary Maitland, from Edinburgh, on the 21st of June 1573, to Lord Burleigh;

^a The conviction of the Regent Morton was confirmed by Parliament, on the 29th of November 1581. *Acta Parl.* iii. 227.

^o Bannatyne's *Journal*, 154; Spottiswoode, 253; and Sir Lewis Steuart has gathered into his MS. Col. the forfeiture of Maitland, "for art and part of the treason, conspiracy, consultation, and treating of the King's murder." The *domes, and decrees*, of that parliament, in May, were ratified, by the parliament of August 1571. *Acta Parl.* iii. 58. In the parliament of the 10th of November 1579, there was an act, "for rendering the children, both lawful and natural, of Sir William Maitland of Lethington, the younger, and of several others, who had been convicted of the murder of the King's father, incapable of enjoying, or claiming, any heritages, lands, or possessions, in Scotland." *Ib.* 137.

from the original, in the Cotton Library, *Caligula* C iv. 102.

“ My very good Lord : after my humble commendations, it may please your lo^p that the causes of the sorrowful widow, and *orphants* being by Almighty God recommended to the superior powers, together with the firm confidence my late husband, the Laird of Ledington, put in your lo^p only help in the occasion, that I his desolate wife (though unknown to your lo^p) takes the boldness by these few lines to humblie request your lo^p, that as my said husband being alive expected no small benefit at your hands, so now I may find such comfort, that the Queen’s Majestie, your sovereign, may by your means be moved to write to my Lord Regent of Scotland, that the body of my husband, which when alive has not been spared in her hieness service, may now, after his death, receive no shame, or ignominy, and that his heritage taken from him, during his life time, now belonging to me and *his children*, that have not offended, by a disposition made a long time agoe, may be restored, which is aggreateable both to equity, and the laws of this realme ; and also your lo^p will not forget my husband’s brother, the Lord of Coldingham, ane innocent gentleman, who was never engaged in these quarrells, but for his love to his brother, accompanied him, and is now a prisoner with the rest, that by your good means, and procurement, he may be restored to his own, which beside the blessing of God, will also win you the good-will of many noblemen and gentlemen.”

MEMOIR VIII.

Amidst the various events, in the diversified Life of Mary, Queen of Scots, it is still a question of some doubt, whether she were put to death, warrantably, or not. It is an important point, in the law of England, that every criminal must be executed, according to *the letter of the judgement*, and in conformity to the *legitimate usage*. Much light is thrown upon the above question, by SECRETARY DAVISON'S APOLOGY, with the *Notes* thereon of the Rev. John Whitaker, the very able vindicator of the Scottish Queen, which, for that, purpose, are both subjoined.

SECRETARY DAVISON'S APOLOGY.

I.

" ON Wednesday the first of this present,^p about ten of the [clock, came one of the grooms^q] of

^p This shows the apology to have been written, immediately after the events. Mary was put to death on Wednesday, the 8th of February 1586-7. And this apology appears from the words here, to have been written *before the month was expired*.

^q I have supplied the words within hooks, from Mackenzie's copy (see the end of this Dissertation).

the chamber unto me, to let me understand, that her Majesty had called for [me by my lord admiral, who was in the] privy chamber. I found his lordship there, who told me the cause of my sending for; having, first, summarily discoursed unto me some speech, that had past that morning betwixt her Majesty and him, touching the execution of the Scottish Queen; the conclusion whereof was, that she would no longer defer it, and therefore had commanded him to send expressly for me, to bring the warrant unto her.*

“Whereupon returning to my chamber, I took both that and divers other things, to be signed for her service; and, returning, sent in Mrs. Brooke to signify my being there, to her Majesty; who immediately called for me. At my coming in, her Majesty first asking me, whether I had been abroad that fair morning; advising me to use it oftener; and reprehending me for the contrary; finally demanded, what I had in my hands. I answer’d, Divers warrants, and other things, to be signed for her

* This warrant appears from another and a more general apology by Davison, written evidently at a period of time much later, and when he had forgotten some of the minuter circumstances; to have been by him “retained—at the least five or six weeks un-presented, nor once offering to carry it up, till he sent,” &c. (Robertson, ii. 482.)

service. She enquired, whether my lord admiral had not sent for me, and whether I had not brought up the warrant for the Queen of Scots.* I answered, Yes; and thereupon [she] calling for it, I delivered it into her hands; after the reading whereof, she calling for pen and ink, signed it; and, laying it from her, asked me, whether I were not heartily sorry it was done? Mine answer was, that I was sorry a lady, so near in blood to herself, and

* The other apology says, that he was "sharply reprov'd" for not bringing the warrant before; "by a great peer, and in her Majesty's presence." (Robertson, ii. 482.) Yet this cannot be wholly true. The present apology shows it cannot. And Davison's memory must have failed him here. It failed him thus, I apprehend. The "great peer" is the same, no doubt, who is called "the great counsellor" before, that was sent to him about the warrant; and who was, we know from the present apology, the lord admiral. He had heard Elizabeth express her anger, at Davison's not bringing up the warrant before; as she had actually "given her commandment to me," says Davison himself near the end of this present apology, "*many days before* to bring up the warrant unto her." He heard it. And he took upon him in consequence of this, "sharply" to "reprove" him "therefore." Only he did not do so, "in her Majesty's presence." It is plain, that he did not accompany Davison to the Queen. Davison went from him to his own apartments, there took the warrant, &c. sent in Mrs. Brooke to the Queen, and then went in himself. And no one was present, it is plain, at the conversation that followed between the Queen and Davison.

of her place and quality, should so far forget her duty both to God and her Majesty, as to give her this cause; but sithens this act of her Majesty was, in all men's opinions, of that justice and necessity, that she could not defer it without the manifest danger of her person and state, I could not be sorry to see her Majesty take this course, of removing the cause of that danger, which threatened the one and the other: protesting nevertheless, that, for my own part, I was so far from thirsting after the blood of that unhappy lady, that, if there had been any other way to preserve her Majesty and the state from mischief, than by taking her life; I could not have wished it. But the case standing so in the opinion of all men, that either her Majesty or she must die; I must confess freely, that I preferred the death of the guilty before the innocent.

“ After this, she commanded me to carry it to the seal; and to give my lord chancellor orders from her, to use it as secretly as might be;[†] and by the way to shew it to Mr. Secretary

[†] The other apology says, that, when Elizabeth had signed it, she commanded him “to carry it to the seal, and, being sealed, to send it immediately away unto the commissioners, according to the direction.” (Robertson, ii. 462.) This is implied, in the direction for the chancellor here, and in the repeated direction to himself, to use it secretly.

Walsingham, because she thought the grief thereof would kill him outright, for so it pleased her Majesty to say of him." This done, she called for the rest of the warrants and other things I had to sign; and dispatched them all, with the best disposition and willingness that might be; in the mean time repeating unto me some reasons, why she had so long deferred the matter, as namely for her honour's sake, that the world might see she had not been violently or maliciously drawn into it. She concluded, she was never so ill advised, as not to see and apprehend her own danger, and the necessity that she had to proceed to this execution. And thereupon, after some other intermingled speech here and there, she told me, that she would have it done as secretly as may be; and, misliking that it should be executed in the open court or green of the castle, expressly willed that it should be done in the hall: which I take to be certain arguments, both of her meaning it should be done, and in the form prescribed in the warrant.

"But, after I had gathered up my papers,

* Walsingham was then *sick*, as these words imply, and as Camden asserts (Orig. i. 465, and Trans. 393). In all probability he was only *crafty-sick*, for reasons that will appear hereafter.

and was ready to depart, she fell into some complaint of Sir Amias Poulet and others, that might have eased her of this burthen ; wishing me yet to deal with Mr. Secretary, and that we would jointly write unto Sir Amias, and Sir Drue Drury, to sound their dispositions ; aiming still at this, that it might be so done, as the blame might be removed from herself. And though I had always before refused to meddle therein, upon sundry her Majesty's former motions, as a thing I utterly condemned ; yet was I content, as I told her, for her satisfaction, to let Sir Amias understand, what she expected at his hands : albeit I did before assure myself, it should be so much labour lost, knowing the wisdom, and integrity of the gentlemen, who, I thought, would not do an unlawful act, for any respect in the world. But finding her Majesty desirous to have him sounded in this behalf, I departed from her Majesty, with promise to signify so much unto Mr. Secretary, and that we would both acquaint Sir Amias with this her pleasure. And here repeating unto me again, that she would have the matter closely handled, because of her danger ; I promised to use it as secretly as I could, and so, for that time, departed.*

* The other apology says, that Elizabeth "in conclusion,
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"That afternoon I repaired to my lord chancellor, where I procured the warrant to be sealed; having in my way visited Mr. Secretary, and agreed with him about the form of the letter, that should be written, for her Majesty's satisfaction to Sir Amias Poulet and Mr. Drury, which at my return from my lord chancellor was dispatched." The next morning I

absolutely forbad him, to trouble her any further, or let her hear any more hereof, till all was done." (Robertson, ii. 482.) But this cannot possibly be true, as a letter was to be written to Paulet, about the assassination, and an answer to be returned, before the warrant was to be sent away.

Camden's account of all this business is much more wrong. He makes Elizabeth send a *letter under her own hand* to Davison, commanding a *warrant under the great seal to be drawn up by him*; when the warrant was drawn up by Cecil, given by him "with her Majesty's own privy" unto Davison. (Robertson, ii. 481), kept by Davison five or six weeks, and then called for by Elizabeth as above. This, says Camden, was to lie in readiness, if any danger should chance to break out. But the reason is as ridiculous, as the fact is false. And she, adds Camden, commanded him to acquaint no one with it; when she actually told him to acquaint Walsingham, and when she necessarily told him to acquaint the chancellor. See Orig. i. 455, and Trans. 382. Camden has here taken up for truths, the wretched falsehoods which Elizabeth obtruded afterwards upon the world, as a subterfuge, for her guilt.

† The letter is thus entitled, "A copy of a letter from Sir F. Walsingham, and Secretary Davison, to Sir Amias Poulet," and runs thus:

received a letter from Cranmer, my servant, whom I left at court, signifying unto me her Majesty's pleasure, that I should forbear to go to my lord chancellor till I had spoken with

"After our hearty commendations; we find by speech lately uttered by her Majesty, that she doth note in you both a lack of that care and zeal for her service, that she looketh for at your hands; in that you have not in all this time (of yourselves without other provocation) found out some way to shorten the [life of *] that Queen; considering the great peril she is hourly subject to, so long as the said Queen shall live. Wherein, besides a kind of lack of love towards her, she noteth greatly, that you have not that care of your own particular safeties, or rather of the preservation of religion, and the public good and prosperity of your country, that reason and policy commandeth; especially having so good a warrant and ground for the satisfaction of your consciences towards God, and the discharge of your credit and reputation towards the world, as the oath of the association, which you both have so solemnly taken and vowed; especially, the matter, wherewith she standeth charged, being clearly and manifestly proved against her. And therefore she taketh it most unkindly, that men, professing that love towards her that you do, should in a kind of sort, for lack of the discharge of your duty, cast the burthen upon her: knowing, as you do, her indisposition to shed blood, especially of one of that sex and quality, and so near to her in blood as the said Queen is. These respects, we find, do greatly

* I have supplied the words in hooks. The printed copy is without them. And, as the editor says, "'tis thus in the MS."

her ; and, within an hour after, came William Killigrew with the like message from her ; whom I returned with this answer, that I would be at the court as soon as himself, and give her Majesty an account of what I had done. At my coming to her, she asked me, whether I had been with my lord chancellor ? I told her, yes. She demanded, what needed that haste ? I answered, that I had done no more than she commanded, and thought it no matter to be dallied withal. But saith she, methinks the best

trouble her Majesty, who, we assure you, hath sundry times protested, that, if the regard of the danger of her good subjects and faithful servants did not more move her than her own peril, she would never be drawn to assent to the shedding of her blood. We thought it very meet to acquaint you with these speeches lately passed from her Majesty ; referring the same to your good judgment. And so we commit you to the protection of the Almighty.

“ Your most assured friends,

“ At London, 1, Feb. 1586.”

“ Fra. Walsingham,

“ To the Right Honourable

“ William Davison.”

Sir Amias Poulet, Kt. one

of her Majesty's most Honourable Privy Council.”

This letter, which ought to be preserved, as an eternal monument of the insidious savageness of the writer, Walsingham, and of the suggester, Elizabeth, was found amongst Sir Amias Poulet's writings, thus indorsed, by Sir Amias, “ this letter was received at Fotheringay the 2d of February, at five in the afternoon.”

and safest way for me, is to have it otherways handled; particularizing a form, that, as she pretended, liked her better; naming unto me some that were of that opinion, whose judgment she recommended. I answered, that I took the honourable and just way to be the best and safest way, if she meant to have it done at all. Whereto her Majesty, replying, nothing for that time, left me, and went to dinner.*

“ Within a day or two after, her Majesty, being in the privy chamber, called me unto her; and smiling told me, how she had been troubled that night with me, upon a dream she had, that the Scots Queen was executed; pre-

* How a man, who could talk, in this strain of probity, to Elizabeth, should ever have become one of her secretaries of state; must excite surprise in us. Camden's account is very remarkable. “ Thus was Davison,” he says a few weeks beyond this period; “ a man of good ingenuity, but not well skilled in court-arts, brought upon the court-stage *of purpose* (as *most* men thought) to act for a time *this* part in the tragedy; and soon after, the part being acted, and his stage attire laid aside, as if he had failed in the last act, he was thrust down from the stage, and, not without the pity of many, shut up a long time in prison.” He was also fined ten thousand pounds, sentenced to prison, during Elizabeth's pleasure, and “ *never recovered*” her favour, “ though she sometimes relieved his wants.” (Orig. i. 465, Trans. 392.)

tending to have been so troubled with the news, as, if she had had a sword, she could have run me through. But this being delivered in a pleasant and smiling manner, I answered her Majesty, that it was good for me I was not near her, so long as that humour lasted. But, taking hold of her speech, I asked her Majesty in great earnest, what it meant, and whether, having proceeded thus far, she had not a meaning to go forward with the execution? Her answer, confirmed with a solemn oath, in some vehemency, was, Yes : but she thought it might receive a better form ; ‘ because,’ saith she, ‘ this casteth the whole burthen upon myself.’ Whereunto I replied, ‘ that the form prescribed, by her warrant, was what the law required, and the only form, that was to be kept, in honour, and justice.’ She answered, ‘ that there were wiser men than myself of another opinion.’ ‘ I told her, that I could not answer for other men ; but this I was sure of, that I never heard any man give a sound reason, to prove it honourable, or safe, for her Majesty, to take any other course than that, which standeth with law, and justice.’ And so, without further replication, or speech, her Majesty rose up, and left me.”*

* The day, here meant by the words “ within a day or

“The same afternoon, as I take it, she asked me, ‘whether I had heard from Sir Amias Poulet?’ I told her, ‘No.’ But within an hour or two after, going to London, I met with

two after,” was the *very next* day, *Tuesday*. In the other apology, Davison says, that he kept the warrant, after it was sealed, which was sealed in the afternoon of *Wednesday*, “all that night, and the *greatest part of the next day*, in his hands; brought it back with him to the court, acquainted her Majesty *withal*, and finding her Majesty *resolved* to proceed therein, according to her former directions, and yet desirous to carry the matter so, as she might *throw the burthen from herself*, he absolutely resolved to quit his hands thereof: and hereupon went over unto the lord treasurer’s chamber, together with Mr. Vice-chamberlain Hatton, and in his presence restored the same into the hands of the said lord treasurer, of whom he had before received it; who from thenceforth kept it, till himself and the rest of the council sent it away.” (Robertson, ii. 482.) These two passages serve each to correct the other. He did not deliver up the warrant to Cecil, *the day after it was signed*, that is, *Thursday*, in the afternoon, and just after he had been with Elizabeth. On *Thursday* he was with her in the morning. Nor was it “a day or two after” *Thursday*, when he saw Elizabeth, for the *third* time, concerning the warrant, and the great seal. It was only *the very day* day after it, *Friday*. This is plain from the nature of the conversation, which passed, and from the sending away of the warrant after it. In *that* conversation, as in *this*, she declared herself *resolved* to proceed with putting Mary to death, and yet wanted to *throw the burden off from herself*. This fixes both to be the same. After the conversation, he gave the warrant to the lord treasurer, and *that very evening*

letters from him, in answer to those were written to him, by Mr. Secretary, and myself.^b

"The next morning, having access to her Majesty, upon some other occasion, I told her, that I had letters, from Mr. Poulet ; which her

the lord treasurer sent it away ; Beale, the bearer of it, reaching the earl of Kent's, near Fotheringay-castle, *the very next day*, that is, *Saturday*, with the warrant, &c. in his pocket (Robertson, ii. 475.)

^b It was *certainly* "the same afternoon," the afternoon of *Friday*. The letter from the two secretaries, and an additional letter from Davison alone, are both dated on the *first* of February, which was *Wednesday*. They were received at Fotheringay-castle, as we see in a note above, "the *second* of February at five in the afternoon." Paulet's answer, as we shall soon see, was dated "the *second* of February" too, and "at six in the afternoon." And it would reach London, in the afternoon of the *third*, that is, of *Friday*. The letter arrived accordingly on *Friday*. Davison showed it to Walsingham of course, immediately. It came directed to Walsingham, though it was received by Davison. He also communicated the contents of it, to Cecil and others of the council. It was *then* resolved by them, to wait no longer, but send off the warrant by Beale that evening. This appears from the present apology, and a fact mentioned before. "On the *Tuesday* following," says Davison, "knowing what order had been taken by my lords, in sending the commission to the earls, I answered," &c. "Afterwards," he says also, "as for my proceeding therein with the rest of my lords," &c. And the warrant, as I have showed before, reached one of the earls on *Saturday* evening.

Majesty desiring to see, took, and read.* But finding thereby, that he was grieved with the motion made unto him, offering his life and all he had to be disposed by his [her] Majesty,

* This letter also has been luckily preserved, being also "found amongst Sir Amias Poulet's writings," and thus entitled, and copied by him.

"A copy of a letter to Sir Francis Walsingham of the 2d of February 1586, at six in the afternoon, to the [in] answer of a letter from the said Sir Francis of the first of February 1586, received at Fotheringay the second day of the said month at five in the afternoon."

"SIR,

"Your letters of yesterday coming to my hands this present day at five in the afternoon, I would not fail, according to your direction, to return my answer with all possible speed; which I shall deliver unto you with great grief and bitterness of mind, in that I am so unhappy to have lived to see this unhappy day, in which I am required, by direction from my most gracious Sovereign, to do an act, which God and the law forbiddeth. My goods, livings, and life are at her Majesty's disposition; and I am ready to lose them this next morrow, if it shall so please her; acknowledging that I hold them as of her mere and most gracious favour, and do not desire to enjoy them, but with her Highness's good liking. But God forbid, that I should make so foul a shipwreck of my conscience, or leave so great a blot to my poor posterity, to shed blood without law and warrant; trusting that her Majesty of her accustomed clemency, and the rather by your good mediation, will take this my dutiful answer in good part, as proceeding from one who will never

but absolutely refusing to be an instrument, in any such action as was not warranted in honour and justice; her Majesty, falling into some terms of offence, complaining of the daintiness, and as she termed it, perjury, of him and others, who, contrary to their oath of association, did cast the burthen upon herself; she rose up, and, after a turn or two, went into the gallery; whether I followed her. And there [she] renewed her former speech; blaming the niceness of those precise fellows, who in words would do great things for her safety, but in deed perform nothing; and concluded, she would have it done without them. And here, entering into particularities, [she] named unto me, as I remember, one Wingfield, who, she assured me, would with some others under-

be inferior to any Christian subject living, in duty, honour, love, and obedience towards his Sovereign. And thus I commit you to the mercy of the Almighty.

“ Your most assured poor friend,

“ A. Poulet.”

“ From Fotheringhay,

2d February, 1596.”

“ Your letters, coming in the plural number, seem to be meant as well to Sir Drue Drury, as to myself; and yet because he is not named in them, neither the letter directed unto him, he forbearth to make any particular answer, but subscribeth in heart to my opinion.”

take it.^d Which gave me occasion to shew unto her Majesty, how dishonourable, in my poor opinion, any such course would be, and how far off she would be from shunning the blame and stain thereof, which she so much sought to avoid: and here, falling particularly into the case of Sir Amias Poulet and Sir Drue Drury, told her; that it was a marvellous extremity, she would have exposed these gentlemen unto. For if, in a tender care for her surety, they should have done that she desired; she must either allow their act, or disallow it: If she allowed it, she took the matter upon herself, with her infinite dishonour. If she disallowed it, she overthrew these faithful gentlemen, who, she knew did truly and faithfully love her; and not only themselves, but their estate and posterity. And therefore [I] thought this, a dangerous and dishonourable course, both for herself and them. And so, after some particular speech of Mr. Secretary and others, touching some matters past heretofore;^e her

^d This Wingfield is perhaps the Robert or John Wingfield, that assisted at Mary's execution (Robertson, ii. 478.)

^e What this means, is too plain from *the very obscurity* of it. But it may be made *more distinctly visible*, by some observations. In 1586 Mary says at her trial, a few months only before this period, as I have noted in the body of the work; that "*Walsingham*,—as she heard, had practised

Majesty, calling to understand, whether it were

both against *her life* and her son's." (Camden, Orig. i. 424, Trans. 355.) In May 1587, an Englishman was seized in Scotland, as I have equally noted before, "who was sent into Scotland on purpose, to *poison* the King's Majesty, or to *take him away by some indirect means*; it was said at the time, that he was induced thereto, by the *Queen of England*, and her council." (Moyse, 128.) But let me add some things concerning *Leicester*. Fuller says of Sir Nicholas Throckmorton, that he died in 1570 "at supper, eating of sallad, not without suspicion of *poison*; the rather because *hapning in the house of one no mean artist in that faculty, R. Earl of Leicester*." (Baronettage, ii. 358, edit. 1741.) Camden also, a still better authority, says of *Leicester*, that he was suspected of *poisoning* Walter Earl of Essex in 1576; and that "the suspicion was increased by *Leicester's* presently putting away Douglas [Baroness Dowager of] Sheffield with money and fair promises (whether his paramour or his wife, I cannot say,) on whom he had begotten a son, and now *more openly* making love to Lettice, Essex his widow, to whom afterwards he joined himself in—matrimony" (Orig. i. 264, Trans. 217-218.) *Leicester* too, says Aubrey in his Berkshire, i. 149, "prescribed to Sir Richard Varney, a promoter to this design" of murdering his first wife, "at his coming hither," to Cumner, "that he should first attempt to *poison* her." A like attempt appears to have been equally made upon his second wife, Lady Sheffield; "for it is certain," says Dugdale in his Warwickshire, p. 167, "that she had *some ill potions* given her, so that, with the loss of her hair and nails, she hardly escaped death" (General Biog. Dict. 1784, DUDLEY.) And Camden adds in 1586, when Elizabeth was considering the mode of putting Mary to

time to go to the closet, broke off our discourse.^f

“ At my next access to her Majesty (which,

death, that “ *Leicester* thought rather by *poison*, and sent a divine privately to Walsingham, to satisfie him—it was lawful” (Orig. i. 413, Trans. 346.) Such an infernal villain was Leicester, and so worthy to be the mate of Elizabeth!

^f That Davison should have allowed himself to talk, in this higher strain of probity to Elizabeth; is an evidence of what Camden has said of him, that he was “a man not well skilled in court arts.” Yet he was not an honest man. He had been too long one of Elizabeth’s ministers, to be honest. And he actually appears *not* to have been so, from other parts of his conversation with Elizabeth, and from a couple of letters which he wrote *singly* to Paulet. In the first of them, which appears from the date as well as the subject, to have been sent along with the extraordinary letter before, for the assassination of Mary: he writes in this strain to Paulet.

“ An abstract of a letter from Mr. Secretary Davison of the said first of February 1586, as followeth.”

“ I pray you, let both this and the inclosed be committed to the fire; which measure shall be likewise met [meted] to your answer, after it hath been communicated to her Majesty for her satisfaction.”

But, not content with this, he wrote a postscript to another letter, exactly in the same strain. This letter and postscript appear equally from the subject and date, to have been written immediately after the receipt of Paulet’s answer, at the very moment of sending off the warrant by Beale, and before Davison had yet shewn Paulet’s answer to Elizabeth.

I take it, was Tuesday, the day before my coming to court,) having certain things to be signed; her Majesty entered of herself into

"A postscript in a letter from Mr. Secretary Davison of the third of February 1586."

"I intreated you in my last letters, to burn both the letters sent unto you, for the argument's sake; which, by your answer to Mr. Secretary (which I have seen,) appeareth not to be done. I pray you let me intreat you, to make hereticks both of th' one and th' other, as I mean to use yours after her Majesty hath seen it."

"In the end of the postscript."

"I pray you let me know what you have done with my letters, because they are not fit to be kept; that I may satisfy her Majesty therein, who might otherwise take offence thereat: and, if you intreat this postscript in the same kind, you shall not err a whit."

"A. Poulet."

"D. Drury."

Davison thus shows his conscious knavery, by his lively apprehensiveness. He had been long in the school of knavery, and had necessarily learnt some of its lessons. Yet he appears from the conversation in the text here, and from another before, to have not been entirely tainted in his principles by it. He was therefore *worthy* to be brought forward, by a conspiracy betwixt Elizabeth and her more flagitious ministers, in order to be sacrificed for those remains of honesty about him, which were such a disgrace to the school and its preceptress; to be sacrificed by *them*, for his incongruous acting with them; to be sacrificed by *her*, for his yet unsubdued relicks of honour in his conversation with her; and to become the grand scape-goat of both, on whose head were laid all the enormities of both, and by whom they were all supposed to be carried away for ever.

some earnest discourse, of the danger she daily lived in, and how it was more than time this matter were dispatched; swearing a great oath, that it was a shame for them all it was not already done; and there spake unto me, to have a letter written for the dispatch thereof, because the longer it was deferred, the more her danger encreased. Whereto, knowing what order had been taken by my lords, in sending the commission to the earls; I answered, that there was no necessity, as I thought, of such a

Let me only observe in addition to this, that Davison appears to have actually burned *their* letter; and, had they burned his and Walsingham's, and not kept a copy of their own, we had lost some valuable monuments of the time; that Davison, but not Walsingham, had the honest timorousness of conscience, to wish to suppress the letter concerning the recommended assassination of Mary; and that he was *very* anxious to suppress it. The much more knavish Walsingham never thought of this. The lamp of conscience was no longer burning in the bosom of the latter. It was in that of the former. And yet it was burning so tremulously there, that he wished to have the guilty letter destroyed, when to destroy could not hide it from the eye of God. He reflected not in the hurry of his apprehensions, that, could he bury it under the foundations of the earth, yet the day was coming, in which those very foundations would be overturned, and, then peculiarly, would
murderous deeds arise,

Though all the earth o'erwhelm'd them, to men's eyes.

letter, the warrant being so general and sufficient as it was. Her Majesty replied little else, but that she thought Mr. Poulet would look for it.⁵

⁵ From these words above, "at my next access to her Majesty, which, I take it, was Tuesday, the day before *my coming to court*," and from these words soon afterwards, "until the hour of *my departure from court*," as uniting to mark the concluding period of all his story; it appears that Elizabeth rated him very harshly on *Wednesday*, the day so strongly marked, as the well-known "day of his coming to court" and "of his departure from it;" on account of the warrant, ordered away the Friday evening before, for the execution of Mary. On this very Wednesday was she executed. Elizabeth had now been apprized, that the warrant was sent away. It was high time to apprise her; though her signing the warrant was a sufficient justification in itself, for sending it away. And, in her usual tergiversation of conduct, she chose to forget all her conversation of *the very day before*; her "earnest discourse of the danger she daily lived in," her declaration, that "it was more than time this matter were dispatched:" her "swearing a great oath, that it was a shame for them all it was not already done;" and her "speaking unto Davison" himself, "to have a letter written to Mr. Poulet for the dispatch thereof, because, the longer it was deferred, the more her danger increased." She now censured him for *not* "deferring" the execution longer, for *averting* this "increasing danger," for *removing* the "shame" from "them all," and for doing *that* which "it was more than time," had *then* been done *already*. But she so censured him not, till she was sure the execution had already taken place, or would irrevocably take place in a few hours afterward.

II.

“ And this, as near as I can possibly remember, is a faithful and true report of the whole substance, of that hath past betwixt her Majesty and me, from the day of signing the war-

Yet, what shows still more the artifice of the whole, she censured him *exclusively*. She here does so at first, we see. She did so afterwards, and to the last. Indeed she also expressed her anger intermediately against the council in general. She issued a commission, “ for their calling to the Star-chamber for the same.” But she afterwards issued another, for their “ private appearance,—instead thereof, before the lord chancellor Bromley.” (Robertson, ii. 482—483.) Then, by another touch of mildness to *them*, just after the trial of Davison was over, “ Wray, lord privy seal, signified,” in court, “ that albeit the Queen had been offended (and that not without just cause) with her council, and had thereupon left them to examination; yet now she forgave them, and withall acknowledged, that they had been very careful and diligent in their actions and counsels, for the preservation of religion and the commonwealth, and for preventing of all dangers.” (Camden, Orig. i. 464—465, Trans. 392). And she centered all her resentment on the single head of Davison.

But, what is Davison pretended to have done? He had given up the warrant, now *signed*, and *sealed*, to that very lord treasurer Cecil, who drew it up, originally, and who had given it to him *for her signing*; when he had been sent, at the signing, by the Queen's own express orders, to carry it to the lord chancellor *for his sealing*. He had not given it

rant, and commandment given to me to carry it to the seal, until the hour of my departure from court. In all which I must protest unfeignedly before God, that I neither remember

up, however, till *an answer had been received from Paulet*; and till Elizabeth, *posteriorly*, as well as previously, to her order, for a letter to Paulet, had charged him, and had charged the chancellor, by him, to *use it with all possible secrecy*.

Yet Camden, imposed upon by the hypocrisy of Elizabeth, says that Davison "acquainted the council with the warrant and the whole matter, and easily *persuaded* them,—that the Queen had commanded it should be executed." Davison, however, gave not up the warrant to the council, and called not a council at all. He gave the warrant to Cecil. Cecil called the council. And Cecil produced the warrant to them. But, as Camden adds, "she at that very time told Davison, that she would take another course with the Queen of Scots." (Orig. i. 445, Trans. 382.) Cecil, accordingly, made a confession, which in the loose and arbitrary modes of proceeding usual with Elizabeth, was produced in court against Davison, instead of a personal testimony from Cecil; and which averred, that Cecil "doubting whether the Queen had absolutely resolved to have execution done, Davison confidently affirmed it." (Camden, Orig. i. 462, Trans. 390.) And as Davison was arraigned for sending away the warrant, when Elizabeth "never intended that the Queen of Scots—should have been put to death;" so Elizabeth, in her letter immediately afterwards, to Mary's son, called her death "this lamentable accident, which is happened contrary to my meaning and intention," and which, since my

any such commandment given me by her Majesty, as is pretended; neither did I ever conceive such an intent or meaning in her. And that mine innocency herein may the better appear, let it be considered, first, what the commandment is, and next, upon what consideration, it was grounded.

pen trembleth to mention it, you shall fully understand by this my kinsman." (Camden, Orig. i. 461 and 460, Trans. 389 and 388.) Yet, all the while, not Davison, but the council, sent the warrant away; and the council sent it, only in consequence of Cecil's resignation of it, to them or to their clerk, Beale.

All therefore makes up the boldest scene of hypocrisy, that was ever exhibited to the world. We peculiarly know it to be so, from this apology. Elizabeth meant, and always meant, the death of Mary. She particularly declared so, only the day before her execution. Nor was there any need of Davison's attesting to Cecil, that she meant to have the warrant executed. Cecil knew this sufficiently before. The very signing of the warrant, also, proved this decisively. Nor was Davison false in attesting, *if he did attest*, her meaning from his own knowledge. Elizabeth had declared over and over again, that she meant to have it *used*. She had repeatedly ordered it to *be used* with secrecy. She had even gone on for that reason, to forbid the open court, and to point out the hall, for the place of execution. And though she had intimated to Davison, that "she would take another course with the Queen of Scots;" yet we, who know that course to have been *assassination*, can only execrate her the more for it.

"The commandment (as I understand it) hath two parts; one, that I should conceal it from the rest of her Majesty's council: another, that I should retain it by myself until some tumultuous time, as a thing her Majesty meant not otherwise to put in execution: both which I must in all duty, and humbleness, under her most gracious favour,^b absolutely deny.¹

^b These passages show clearly, that this apology was intended to be seen by Elizabeth. Such an intention adds much to his credit. And it naturally suggests to us, that Davison has rather *softened* than exaggerated some particulars in his narrative.

¹ Yet Camden makes Davison, on his trial, to allow, "that when the Queen blamed him for making such haste, to get the warrant under the great seal [to have the warrant passed under the great seal], she gave some signification, but not express command, that he should keep it in his own hands." (Orig. i. 462, Trans. 390.) This acknowledgment, if at all true in itself, can refer only to the conversation on *Thursday* morning, and to the *hint of assassination by others*, then given. But Davison could not explain the hint to the court. This we see strikingly exemplified, in one part of his trial. Then "Egerton, the Queen's solicitor," says Camden, "began to press Davison with his own confession," one different from this apology, and equally from that in Dr. Robertson's Appendix (ii. 480); reading a piece thereof. But Davison prayed him to read the whole, and not parcels picked out here and there: but *he had rather*, he said, *it should not be read at all*; because *there were contained in it some secrets, not fit to be divulged abroad*." (Orig.

“ And, for the first, I trust her Majesty, in her princely and honourable nature, will not deny, but that she first sent for me by my lord admiral, to bring the warrant unto her; which proveth that his lordship was acquainted with her purpose: and next, that she gave express word, both to carry it forthwith to the seal, with a message to my lord chancellor, who consequently must be acquainted with all; and also, by the way, to impart it to Mr. Secretary. So as, these three being made privy unto it by her good liking, and myself, as I say, not restrained to the contrary, by any such commandment as is pretended; what reason had I to conceal it from my lord treasurer, to whom my lord admiral had first imparted it, or from my Lord of Leicester, to whom her Majesty is [familiar, and had^k] signified as much, as likewise

i. 462, Trans. 390.) And, while Elizabeth presumed to tell the boldest lies, and was believed in all that she said, *which was the whole evidence that could be brought against Davison*; he durst not speak the truth, in his own vindication. She thus took advantage equally, of his timorous delicacy, of her own confidence in falsehoods, and of the mean ductility of the judges, to ruin him entirely. He had refused to concur with her, in her plot of assassination. He had presumed to remonstrate with her, against it. He had preached up honour, and conscience to her. And she was resolved to chastise the monitor, and the man.

^k I have filled up this blank.

afterwards to Mr. Vice-chamberlain [Hatton'] ; as they are acquainted with the rest of the whole proceeding, and as far interested, in the cause, as myself, or any of the others :^m Unless her Majesty had a meaning, that Mr. Secretary

^l I have filled up this also.

• ^m This shows the whole pretence against Davison, of his having communicated the secret of sealing the warrant, as if such a secret *should* be kept ; to be only an after-thought, and a mere cover for accusing Davison. *She herself* had told Hatton, had told Leicester, had told the lord admiral. She had actually sent the last with an order, for Davison and the warrant to come to her, and the warrant expressly for her sealing. He had received no command to keep his message a secret. And he had told the lord treasurer Cecil. Cecil, therefore, the very man that we have detected in such knaveries before, must have known of Elizabeth's message, and of Davison's coming, *before* Davison gave him any assurance of the Queen's resolution. And as Elizabeth had told the lord admiral, and the lord admiral had told Davison from her, that she had spoken with "sharpness" against Davison, for not bringing up the warrant before, and that she had declared "she would no longer defer," the execution (see the beginning of this apology) ; so the lord admiral must necessarily have imparted this to Cecil. Yet Cecil appeared as a witness against Davison, by his written confession at least ; as if Davison had been the first and the only one who assured him, of Elizabeth's resolution to have the warrant executed. He was, no doubt, in the secrets of his congenial mistress ; and said or did, whatever she wished him to do or say. He seems indeed to have been the principal tool of that wretched Queen.

and I should have dealt alone, in the sending of it to the earls : which for my own part I confess I never liked, knowing her Majesty's purpose, often uttered to myself, to remove as much of the burden as she might, from her own shoulders upon others ; which I knew mine own unfit to sustain.

“ Now seeing the end of signing and sealing this warrant, in all reasonable probability and judgment, was to go forward withal ; that the delay thereof did infinitely encrease her Majesty's peril, and thereby hazard the whole estate ; seeing it was imparted to some by her Majesty's own order, and no cause or possibility, being assigned, to keep it from the rest, as much interested in the cause as myself ; and finally, seeing I could neither, as I take it, in law nor in the duty of a good subject, conceal it from them, the cause importing so greatly her Majesty's life as it did, and the disposition both of the time and state of things, at home and abroad, being such as it was : I trust it shall sufficiently appear, that I was both in reason, duty, and necessity forced thereunto ; unless I would have wilfully endangered myself, whose offence, if ought in the mean time had happened amiss to her Majesty, must have been, in my own censure, worthy of a thousand deaths.”

ⁿ This argument, though tinged a little, with that fear

“ And, as for my proceeding therein with the rest of my lords ; after it was resolved, that it was neither fit nor convenient to trouble her Majesty any further withal, considering she had done all that the law required at her hands ;^o and that she had both to myself, and others, signified at other times, her indisposition to be acquainted with the particular circumstances, of time, place, &c. ;^p and that to de-

for the danger of Elizabeth, which was merely chimerical, in the extravagance here hinted at, carries a great force with it.

^o This points out to us a new circumstance, in the conduct of this business. On Davison's showing the answer from Paulet, and giving the warrant to Cecil, upon Friday afternoon ; it was resolved by the council, he being present, “ neither fit nor convenient to trouble her Majesty any further withal.” And it is this resolution of the council, which Davison afterwards confounded in his memory, and has falsely ascribed to Elizabeth herself ; when he says so absurdly in his other apology, as I have shown before, that on Wednesday she “ in conclusion absolutely forbad him, “ to trouble her any further, or let her hear any more hereof, till it was done ; *she for her part having, as she said, performed all that, in law, or reason, could be required of her*” (Robertson, ii. 482.) The close of both peculiarly shows both to be the same.

^p This also tells us a new circumstance. Elizabeth had “ signified” to “ Davison and others” at “ other” times *before*, her desire *not* to be acquainted with the “ place” &c. of the execution. Yet, she had altered her desire, in this respect, when on Wednesday, the first of February, she could forbid the green, and point out the hall, as the scene of execution.

tain the warrant, in expectation of any further directions from herself, was both needless, and dangerous, considering the hourly hazard her Majesty lived in ; and finally, that my lords, knowing her Majesty's unwillingness to bear all the burthen alone, were content most resolutely, honourably, and dutifully, to ease her as much as they might :¹ with what reason and justice should I have hindered the course of justice, tending so greatly to her Majesty's safety, and preservation of the whole realm ?

“ And for the other part, of keeping it by me to such end as is before alleged, I trust the world does not hold me so undutiful to her Majesty, or ill-advised for my particular ; as to take such a charge upon me, to the evident peril of her Majesty's life, subversion of the whole estate, and my own utter overthrow. Neither is there cause to think (I speak it in all reverence, and under her Majesty's most gracious favour,) that her Majesty having proceeded so far as she had done to the trial of that lady's

¹ This shows the lords to have been all well acquainted, with Elizabeth's desire, for throwing the load of murder off from her own shoulders, by substituting assassination, for execution ; and artfully to have given it another turn, in order to bring the execution forwards.

² This unites with two passages before, to show the apology was intended for the eye of Elizabeth.

fact, found her guilty by a most honourable jury of her nobility, assembled her parliament only for that purpose, graciously heard their petitions, and dismissed them with so great hope; published afterwards the proclamation for her dishabilment, rejected the suits both of the French and Scottish kings for her life, and returned their ambassadors hopeless; confirmed that impression by her letters to both princes (some of which it pleased her to communicate with myself;) protested many hundred times her necessity, and resolution, to go through withall^a (albeit, for sundry good respects, she had so long deferred it;) having given her commandment to me many days before, to bring the warrant to her,^b and then voluntarily sent for it by my lord admiral; signing it as soon as I brought it, with her express commandment given me, to carry it to the seal, and to have it secretly handled; and, finally, her particular direction, while she was signing other things at the same time, to have the execution done in the hall, misliking that it should be on the

^a This, as to the "resolution" vouched "many hundred times," is quite a new circumstance.

^b This is also a new circumstance. And I have accordingly noticed it and the preceding, as such, in the body of the work, i. 3. 6.

green or open court ; with a number of other foregoing and following, circumstances , may sufficiently testify her Majesty's disposition to have it proceeded in, albeit she had to myself and others declared her unwillingness, to be made acquainted with the time and other circumstances, having done all that the law required of her, or that in honour was fit and expedient for her."^a

^a Let me here, at the end of the apology, remark finally concerning Davison, That, though he was not an honest man, yet he was so nearly one, as to be a very prodigy for the ministry of Elizabeth. He refused, it appears, to sign that very bond of association, which was signed by all the nation, and which even the despairing Mary offered, on her liberty being granted, to sign herself. Yet he refused, though Leicester pushed on the association, and though Elizabeth urged him to sign it. Among the pleas which he advances for himself in his other apology, he particularly states " his former *absolute* refusal to sign the bond of association, being *earnestly* pressed thereunto by her Majesty's self" (Robertson, ii. 483.) This indeed is a very strong evidence, of a manly virtuousness in him. But he did other things, in the same spirit of virtue. He declined to act as a commissioner, on the examination of Babington and his accomplices, for their conspiracy in favour of Mary ; and took a journey to Bath, in order to save himself from acting (Robertson, ii. 483.) He was a means too of preventing the commissioners, who were sent to try Mary at Fotheringay-castle, from pronouncing sentence upon her immediately after the trial ; and of obliging them to return first

to London, and report their proceedings to Elizabeth (Robertson, ii. 483.) We have already seen, that he kept the warrant for the execution of Mary, five or six weeks in his hands; without offering to present it to Elizabeth for her signing. We have equally seen, that he actually neglected to obey a personal command of Elizabeth's, for bringing the warrant to her; and that he thus neglected for "many days," even till the Queen fired at his conduct, and sent him a peremptory order to bring it. Even then, and even when Paulet's answer had been received, and all delay was now at an end for ever; he would not be concerned in sending away the warrant himself, but returned it into the hands from which he had received it, and left Cecil and the council to send it. And, as in all the time "*before* her trial, he neither is nor can be charged, to have had any hand at all in the cause of the said Queen, or done any thing whatsoever concerning the same, directly or indirectly;" so, "*after* the return thence of the—commissioners, it is well known to all her council, that *he never was at any deliberation or meeting whatsoever, in parliament or council, concerning the cause of the said Queen, till the sending down of her Majesty's warrant unto the commissioners, by the lords and others of her council.*" (Robertson, ii. 481.)

These deeds of honesty, no doubt, had successively marked him out for vengeance, to the rest of the ministry and to the Queen. He was therefore selected by Cecil, "with her Majesty's own privy," to be the Secretary with whom the warrant should be lodged for signing (Robertson, ii. 481.) He was thus exposed to a train of decisive trials. It would be seen, whether he *offered* to present the warrant to Elizabeth for her signature. Should he *not* offer, a command might be given him by Elizabeth, to bring it up. Should he hesitate to obey *this*, a sharp rebuke and a peremptory order might be sent him. If he was refractory in all these

points, then the wrath of Elizabeth would burst out upon him, and sweep him away from her presence for ever. If he complied in any, his farther compliance might be tried, in ordering him to the great seal with the warrant, and in directing him to use the warrant, when sealed, with secrecy. Should he be found pliable in *this* trial, the grand scheme of assassination, the favourite wish of Elizabeth's heart, which had repeatedly been talked over by her other ministers before Elizabeth and him, which they all united to approve, though none of them offered to undertake, and which had been so talked over and so approved of, merely to put Davison upon undertaking it; might finally be urged upon Davison in private, by Elizabeth herself. Should he bend to this urgency, and engage in the work of assassination; Elizabeth, *as soon as ever the work was done*, would have risen upon him with an *affected* passion, and made his life the forfeit of his compliance. And should he *not* bend, all his present and all his former refractoriness would be remembered at once against him, and unite to draw down the rage of Elizabeth in a storm of *real* resentment upon him. Either way, the man was sure to be ruined. He complied, though only in part. He brought up the warrant, at the *second* order. He carried it to the great seal. He even united with Walsingham, to mention Elizabeth's proposal of assassination to Paulet. But he would go no farther. He actually protested to Elizabeth herself against the proposal, before he mentioned it to Paulet. He protested to her against every scheme of assassination. And he was therefore ruined at last by Elizabeth, in a most impudent stretch of falsehood, for *doing what he did not do*, and in truth and reality for *not doing what he was wanted to do*.

Thus fell Davison, a memorable evidence of the cunning, the perfidiousness, and the barbarity, of Elizabeth, and her Cecil! But he was fully revenged of them both, in his fall.

He wrote the present apology, which serves so greatly to expose the characters of both. It is very convincing in itself; is even drawn up with the air and address of a fine writer, and is peculiarly valuable to the critical investigators of Elizabeth's conduct. It differs very usefully from that in Dr. Robertson's Appendix, in being written within the very months of all the main transactions recorded in it, and being therefore very full, circumstantial, and accurate; while that was written many years afterward, is only general and short, and is often inaccurate. It was not, however, as Camden says, a "private" apology sent to "Walsingham" (Orig. i. 465, Trans. 392.) It was evidently calculated, as I have shown before, for the inspection of Elizabeth herself. And, as it would naturally be sent to his brother secretary for her inspection; so was it a bold challenge to her for the truth, and exactness, of all his averments, and would serve only to increase the load already descending to crush him. The other was written, not only when the little particulars had faded off from the mind, when memory had confounded some circumstances that were distinct in themselves, and a regular narrative, if it could have been given, was no longer of consequence; but, what is very surprising, when Davison had lost all copy, and even all minutes, of this very apology. It was drawn up too, when he was no longer afraid of showing his forbearance, in the cause of Mary, and indeed had reason, for displaying it all at large. He therefore goes back much farther in the second apology, than in the first; to the return of Mary's judges from Fotheringay, to the moment of her trial, to the examination of Babington, &c. and to the times preceding all. In this whole period he shows us his secret attachment to Mary, by such a train of incidents; as seems peculiarly calculated for the eye of Mary's son, on his accession to the throne of England. Yet Elizabeth must have been alive at the writing

of it; since she is spoken of as still Queen. And I therefore suppose it to be written, at the latter end of Elizabeth's reign, when all the nation began to turn their eyes towards Scotland for a successor to her; and when Davison would naturally endeavour to make that attachment to Mary, for which he had suffered so severely from Elizabeth, promote his interest with James.

The latter apology was published by Dr. Robertson, from a paper, supposed to be the original, in the Cotton Library (ii. 481.) The former has been published in an anonymous history of "the life and reign of Mary Queen of Scots, London, 1725," where, with an agreeable surprize, I first met with it, where it is said to be taken "from a MS. in the possession of a person of quality," that had some *lacunæ* in it, and from whence I have reprinted it here, filling up the *lacunæ*. To this were subjoined the letters, to and from Paulet and Drury, as "found amongst Sir Amias Poulet's writings." But, the apology, and letters had been previously published, by Dr. Mackenzie, in his "Lives of Scots Writers, vol. iii. 1708," under the article *Freebairn*, and without the *lacunæ* of the other MS. He printed the former, he says, from the original itself, "found amongst Sir Amias Paulet's papers; a copy of which, transcribed from the original, was sent me by my worthy and learned friend Mr. Hurry of Christ's Church Oxon" (p. 334.) And the latter were found equally among the same papers, and transcribed equally from them, by Mr. Hurry. These two copies, therefore, are plainly transcripts of the same original; *that* having *lacunæ* in it, because the writer was not able to read the MS.; and *this* having none, as written by a more skilful reader. Yet the particulars of this apology are little known to the world at present. I met not with it, till I had published my Vindication. I knew of it in general, but I could not tell where to find it. I often looked at the apology in Dr.

Robertson, yet found not, in it, what I wanted, and expected. Nor, had I such an idea of the present, as could induce me to be very solicitous, in procuring it. But, I was greatly struck, the moment I perused it. And I soon saw the expediency, of using it, in the narrative part of my work ; and of republishing it, with notes, in my Appendix ; for the fuller elucidation of the whole history.

J. W.



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